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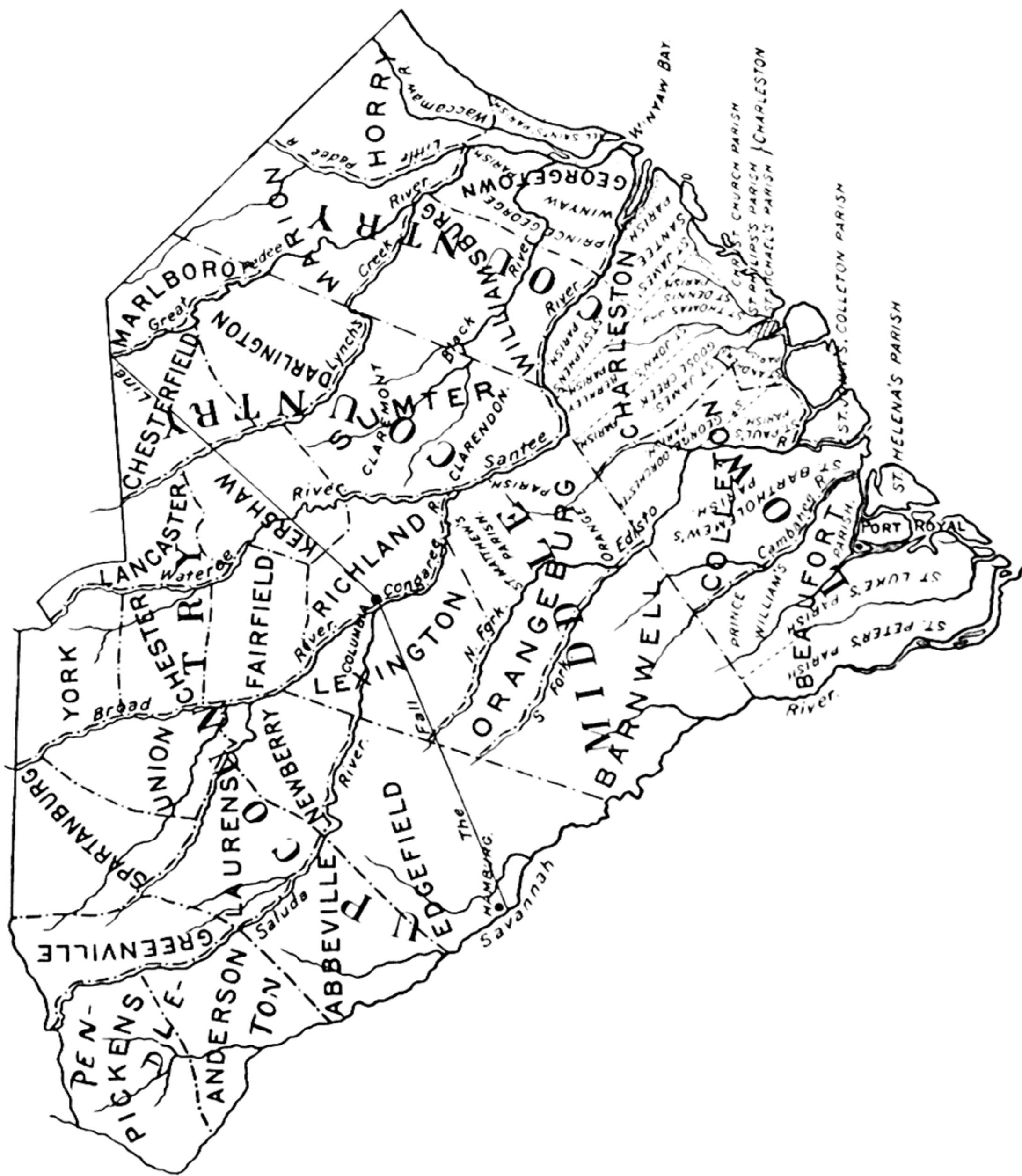
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**THE NULLIFICATION CONTROVERSY
IN SOUTH CAROLINA**



SOUTH CAROLINA DISTRICTS AND PARISHES IN 1830

The
Nullification Controversy
in South Carolina

By
CHAUNCEY SAMUEL BOUCHER

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TO
MY FATHER AND MOTHER

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PREFACE

To relate the story of the nullification controversy in South Carolina as it is found in the writings of the men who were participants in it, is the object of this monograph. For six years the conflict was bitterly waged and missed being civil war by a narrow margin. So much attention has been given to speculations on the theory of nullification from the standpoint of political science, that the history of the party contest has been neglected; and even from the theoretical viewpoint a detailed study of the views of the contemporaneous supporters and opponents of the doctrine has been neglected. The effort has been made in this treatise to delineate the various shades of party beliefs at all stages of the controversy.

In the search for materials the writer fortunately gained access to files of several of the leading newspapers of the Union and the State Rights parties, representing both the interior and the coastal sections; several valuable pamphlet collections; and the unpublished correspondence and papers of prominent leaders of the opposing

factions, and of two men most prominently connected with the administration. For the courtesy and kind assistance rendered by the custodians and owners of these valuable materials, the author desires to express his appreciation. He is especially indebted to Professor Claude H. Van Tyne and Professor Ulrich B. Phillips, both of the University of Michigan, for encouragement and counsel most generously given, and to Professor William E. Dodd, of the University of Chicago, who volunteered to read sections of the proof.

In order to facilitate reading, the original punctuation and capitalization of many quotations have been changed somewhat to make them conform more to present usage.

C. S. BOUCHER

ST. LOUIS, MO.
March 1, 1916

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CHAPTER I

THE ORIGIN OF THE CONFLICT (1824-29)

At the session of the South Carolina legislature which convened in November of 1825, Judge William Smith introduced a set of anti-bank, anti-internal improvement, and anti-tariff resolutions. They were adopted. Before this session there had appeared in South Carolina scattered evidences of opposition to nationalism, but this episode may be said to mark the beginning of the formidable anti-nationalist movement in the state.¹ South Carolina was not unique in this respect; other southern states were showing signs of a similar movement. In Virginia, Thomas Ritchie had been preaching strict construction and had thereby forfeited some of his popularity in the western counties, while William B. Giles, more to the satisfaction of the eastern counties, was even more outspoken in his anti-nationalistic doctrine.²

¹ For a review of the position of the state up to this time, see Houston, *Nullification in South Carolina*, chaps. i-iv.

² See Charles H. Ambler, *Thomas Ritchie and Sectionalism in Virginia from 1776 to 1861*.

From the time of the South Carolina resolutions of 1825 against "governmental usurpations" until the South Carolina Exposition of 1828, the people of the state became more and more outraged by the "usurpations," chief among which was the tariff, until most of the people of the state considered not only warrantable, but highly proper, an opposition of a decidedly strong character. But until the fall of 1828 few dared to think, or to admit thinking, of a direct conflict of state and federal authorities. Even then, when the proposition which might bring about such a conflict came, it had to come in the guise of a peaceable measure, if not honestly so.

After the passage of the tariff bill of 1824 numerous anti-tariff meetings were held in various parts of the state. The tariff was denounced as a system of robbery and plunder, destructive to the southern states. Meetings adopted resolutions which pledged the participants to purchase no northern manufactures and no Kentucky horses; men delighted to talk of sacrifices for the sake of principle. George McDuffie was reported to have pulled off his broadcloth coat and to have given it to his servant, saying that it was fit only for the livery of a slave. Judge Daniel E. Huger is said

to have refused to eat Irish potatoes because they were from the North, and General Waddy Thompson was reported as having declared that he would live on snowbirds and make the judicial circuit on foot rather than eat Kentucky pork or ride a Kentucky horse. But in spite of all the talk about the injustice and oppression of the tariff, few questioned its constitutionality. And as for disunion as a measure of resistance, many of the people who later supported it were now horrified at the expression of Dr. Thomas Cooper, president of South Carolina College, that it was time to "calculate the value" of the federal Union.

During 1827 there appeared in the *Charleston Mercury* a series of articles, later published in pamphlet form, written by Robert J. Turnbull under the name of "Brutus." The writer endeavored to show that Congress and the Supreme Court had made the Constitution "A DEAD LETTER" which might "mean ANYTHING OR . . . NOTHING."¹ The broad-constructionists were severely arraigned, and McDuffie was particularly shown the error of his ways on this point. Sufficient opposition was aroused by the time the

¹ *The Crisis: Thirty-three Essays on the Usurpations of the Federal Government.* By Brutus, Charleston, 1827. Eleven essays were added to the series as originally published in the *Charleston Mercury*.

legislature met in November for that body to feel justified in making an official declaration for the state. Both houses approved a set of resolutions which asserted the right of the people or the legislature of any state "to every extent not limited, to remonstrate against violations of the fundamental compact between the people of the different states with each other as separate independent sovereignties." All tariff acts, the object of which was not the raising of revenue nor the regulation of foreign commerce but the promotion of domestic manufactures, were pronounced violations of the Constitution, "in its spirit," which ought to be repealed. They also denied the constitutional power of Congress to construct internal improvements.¹

By this time John C. Calhoun saw clearly the danger to which the power of Congress to pass protective tariffs might lead; this power might "make one section tributary to another, and be

¹ And, having become somewhat exercised over the recent activities of the American Colonization Society, they resolved that, since it was not an object of national interest, Congress had no power in any way to patronize or direct appropriations for its benefit. The South Carolina senators in Congress were "instructed" and the representatives "requested" to act in accordance with these views (*Report and Resolutions of the Special Committee of the Senate on the Subject of State Rights*. Pamphlet).

used by the administration and artful and corrupt politicians to buy up partisans and retain power.” A meeting of the manufacturing interests at Harrisburg to devise measures to pass a tariff bill then pending set the dangerous example of—separate representation and association of great geographical interests to promote their prosperity at the expense of other interests which of all measures that can be conceived is calculated to give the greatest opportunity to art and corruption and to make two of one nation. . . . It must lead to defeat or oppression or resistance, or the correction of what perhaps is a great defect in our system; that the separate geographical interests are not sufficiently guarded.¹

Calhoun even then was probably contemplating some such remedy as he framed for presentation to the state legislature at the end of the next year. He soon came to feel confident that the tariff was one of the greatest instruments of southern impoverishment, and that if persisted in it must reduce the South to poverty or compel an entire change of industry.² By the middle of 1828 he was convinced that the South was so

¹ Calhoun Correspondence, *American Historical Association Report*, 1899, Vol. II: Calhoun to J. E. Calhoun, August 26, 1827.

² Calhoun Correspondence: Calhoun to J. E. Calhoun, May 4, 1828.

alienated because of the tariff system that if a speedy and effective check upon this system were not soon applied a shock might shortly be expected.¹

In Congress the South Carolina delegation did much to present the southern reasons for opposing the passage of the tariff act of 1828. At one stage of the debate William Drayton moved to amend the title of the bill so as to read, "An act to increase the duties on certain imports, for the purpose of increasing the profits of certain manufacturers." He hoped thus to make possible an appeal to the Supreme Court of the United States to try the constitutionality of the system, which could not be done if the title remained unchanged.²

In spite of southern opposition the tariff of "abominations" was passed. But this did not settle the matter, for, as the *Mercury* announced, the "passage of this pernicious measure" did not quell the feeling with which the people of South Carolina remonstrated against it, and with which it was opposed by her delegates in Congress.³ The

¹ Calhoun Correspondence: Calhoun to James Monroe, July 10, 1828.

² *Charleston Mercury*, April 30, 1828. This paper will be referred to hereafter as the *Mercury*.

³ *Mercury*, May 28, 1828.

people saw remonstrances proving futile and began to think of the next necessary step. This, then, became the great question of the hour: What next? Various views were immediately set forth; while one of the South Carolina representatives at Washington said a complete union of the whole South alone could save South Carolina and the South, other writers in the press of the state looked to the state legislature to decide on the proper course of resistance. At this juncture the *Mercury*, which later became an ardent nullification sheet, took a very sane and moderate position; it merely advocated caution and careful consideration before any step should be taken.¹

¹ *Mercury*, May 29, 1828. The editor wrote that the citizens of South Carolina felt with grief that the Constitution had been violated and that the great object of the confederacy had been shamefully perverted; that their remonstrances had been disregarded, their rights denied, and the solemn protests of their delegates laughed to scorn; that they had been reduced to a condition almost tantamount to colonial vassalage, and that they were never regarded except for the purpose of discovering in what way they could be rendered serviceable to the interests of others; that the burdens under which they then labored were but the probable forerunners of others still more oppressive, and that the future held for them nothing but wretchedness and embarrassment; that the great sources of their wealth were about to be dried up, and that the dignity of their state and their prosperity as a people were on the eve of leaving them forever. But, in spite of the fact that the people felt all this so deeply, and in spite of the impression nearly every reader of this

By the middle of July communications denouncing the tariff were numerous in the southern papers, and especially in South Carolina many men wrote for publication. These communicated articles were signed with various fantastic names. The nom de plume was sometimes the name of some famous historic character of the state, nation, or world, some doctrine or theory, or was indicative of some class which the writer thought he represented. A man occasionally wrote under more than one name. Some of these anonymous writers wrote long series of articles and became widely known literary characters, though their real identity remained long or permanently unknown to the public. There were

editorial must have been forming before he finished it—that the editor was showing that there was surely but one course left for the South honorably to pursue—the editor concluded with a plea for careful consideration of the question on the part of every citizen before he formed his opinion as to what the policy of the state should be. “Whether,” he said, “the spirit of just dissatisfaction which now prevails should be allayed or extended; whether, as we have borne before, we shall magnanimously bear again, or by a convulsive effort shake off the burden which afflicts us; whether by any possible course of conduct, we can avert the misfortunes which threaten us, without incurring the hazard of others still more dreadful and appalling—are questions which will naturally arise to the mind of every man, and which the people of this state may possibly be called upon to determine.”

hundreds of these writers who produced merely one or a few articles of no merit, who wrote simply to see something of their own in print; others, however, had marked ability which was recognized by the people of the state and country.

“Leonidas,” one of these anonymous writers, in July, 1828, noted a rising spirit of discontent against the tariff bill “now in operation by the usurped powers of the Congress of the United States,” and asserted that those who were confident in the belief that this spirit would exhaust itself or be smothered by opposition and intimidation, considered too lightly the genius of the southern states and the principles for the sake of which the awakened people were gathering up their energies to meet the alarming crisis.¹

As regards the attitude of the North to the outcry of the South, it seemed to one South Carolina editor impossible for anyone who did not read the northern papers to form the slightest conception of the general tone of contempt, affected pity, and ridicule which they invariably employed toward the southern states, and especially of late toward South Carolina.²

¹ *Mercury*, July 14, 1828.

² *Mercury*, July 11, 1828.

In the various districts of the state¹ the first Monday of each month was designated as "sale day." On that day, when the sheriff's sale was held at the county seat, throngs of farmers and planters journeyed to their respective courthouse towns to attend the sales, do their trading, meet and converse with neighbors of the district, and discuss questions of politics. Meetings were announced for this day, or were spontaneously convened, whenever any subject of importance was being agitated. The people always knew that if any subject became important during any month, there was likely to be a meeting on the next sale day to consider it; prominent leaders were occasionally present to address the people, and at times open debates were held. If there was intense party feeling and sharp division, the parties would meet separately.

On the sale days of August and succeeding months in 1828, meetings were held at various places over the state to express again the opposition of the people to the tariff, and to discuss possible plans of resistance. The tariff was now attracting so much attention that in many in-

¹ The coastal political divisions, smaller than those of the interior, were called parishes, while those of the interior were called districts.

stances the people would not wait for sale day, but held special meetings; and in some cases the local districts of a congressional district met together in convention. Some of these anti-tariff meetings attracted special attention as being "the largest and most respectable meetings ever held in the district."¹ The Abbeville meeting, in Calhoun's district, was anticipated as one which, perhaps more distinctly than any other yet held, would embody the feeling of the interior and announce the course likely to be pursued by that section. Expectations were not disappointed. It was estimated that 5,000 were present, and resolutions were passed which strongly denounced the tariff. Although the protestants looked to state sovereignty for relief, they intrusted the subject to the legislature. They expressed a willingness to join in the non-intercourse plan, a contemplated southern agreement to use no northern manufactures, but they had no faith in it as a permanent policy.²

¹ *Mercury*, August 7, 1828, report of anti-tariff meeting at Barnwell; August 9, Orangeburg; August 19, Newberry; September 9, Union, Lexington, York, Greenville; October 3, Abbeville; October 7, anti-tariff convention of delegates from York, Chester, Lancaster, and Fairfield at Chester; October 14, Pendleton; October 15, St. James', Goosecreek; October 22, Darlington.

² *Mercury*, October 3, 1828.

In reviewing and indorsing the work of these various meetings, the editor of the *Mercury* drew a picture which was surely an exaggeration. He contrasted the situation of South Carolina then with her condition a few years earlier, and contended that by the tariff South Carolina had been transformed from a garden to a wilderness.¹ For these meetings and complaints, however, the participants were censured by "all the presses in the pay of the administration, led on and marshalled by the *National Intelligencer*." These

¹ *Mercury*, August 23, 1828: "Many can well remember the time when the sails of our commerce whitened every sea; when our planters were well remunerated for their labor; when improvements were daily adding to the size and beauty of our towns; when industry of all kinds was abundantly employed and amply rewarded; and when ease and contentment marked the circumstances and reigned in the hearts of all classes of our people. But that time has passed, and, as we fear, forever.

"Government thought proper to interfere in our concerns and has succeeded at last, by continued acts of injustice and oppression, in blighting the hopes and ruining the prospects of our people. Commerce, which once poured its treasures at our feet, is now driven from our shores. Agriculture, which amply repaid the labor of our planters, now scarcely affords them a bare subsistence. Plantations, once the abode of elegance and wealth, have been deserted and abandoned. Property, once immensely valuable, has fallen to less than half its value. Industry no longer finds employment. Poverty and embarrassment universally prevail, and nothing is to be seen or heard, from the seaboard to the mountains, but the signs of decay and the language of despair."

presses held that the attacks upon the tariff act were mere pretexts to cover deep and traitorous designs of the leaders of the Jackson party looking to the dissolution of the Union, with a view to the erection of a separate empire for Andrew Jackson and themselves. The *Mercury* answered, however, that the question was really distinct from the presidential issue and that the *National Intelligencer* was trying to make political capital out of it to defeat Jackson.¹ The South Carolinians evidently regarded the tariff of 1828 as of greater importance than did many Virginians, who looked upon it as simply an aid to the "manufacture of a President of the United States."²

In view of the accusation of the "administration presses" there arises at once a question as to just what modes of resistance were advocated at this time. In the first place, there was as yet no well-defined, well-organized Disunion or even Nullification party. Certain hints at disunion had been dropped by a few writers, and the resolutions of some of the local meetings had led some of the more sensitive patriots to believe that they had scented a secret movement which might grow

¹ *Mercury*, August 23, 1828.

² Charles H. Ambler, *Thomas Ritchie*, p. 114.

and lead to disunion. But these Union watchdogs, who raised the preliminary warning and later became leaders of the Union party, were now making much more stir than was warranted by anything the press disclosed.

Throughout the year 1828 the *Charleston Courier* bristled with denunciations of anything and everything that could be interpreted as tending toward disunion. Early in the year "Hamilton" published a series of twenty-eight articles in answer to Turnbull's *The Crisis*, which, with kindred publications, "Hamilton" said, had made the term "disunion" familiar to the ears of the people—a term which he held should never have found its way into the political vocabulary, but should be forever regarded as of evil omen. "Hamilton" denounced these essays as enkindling animosity, sowing dissension between the South and the North, and weakening the ties that bound them together. He did not refer to particular expressions, but to the general tone of the essays and to the inferences which they suggested. He thought it impossible to rise from their perusal without the impression that the authors regarded the dissolution of the Union as an event, not only probable, but hardly to be deprecated. He said

that it would not only be impossible ever to bring the government back to the principles "Brutus" (Turnbull) styled pure, but that it would not be desirable if possible, for such a government could not last a twelvemonth. Such principles could not bind the parts together; the very interests and prejudices which, in the view of "Brutus," forbade a closer union were the premises on which "Hamilton" relied to demonstrate its necessity.¹

The *Charleston City Gazette*, as early as June 19, 1828, observed that the "question of disunion" was "at last seriously and openly submitted to the consideration of the people of South Carolina," and that the people were asked, not only to calculate the advantages of the Union, but to resist its laws and dissolve the political bonds which held the confederacy together. The editor repeated the usual story of South Carolina's wrongs and sufferings in the Union,² and added:

Such is the gloomy picture which is artfully drawn to excite popular frenzy to an act of irretrievable desperation. A measure of the general government (to say the worst

¹ *Charleston Courier*, February 12, 1828. This paper will be referred to hereafter as the *Courier*. See Houston, *Nullification in South Carolina*, pp. 49-51, 71-73.

² Such as quoted from the *Mercury* in n. 1, p. 12.

of it) of doubtful policy is thus worked up into the most horrid phantom which can disturb the vision of freemen; and over their terrified imagination a demoniac sorcery is thus exercised to lead them into crime and to tempt them to their destruction. For it would be a crime, unpardonable before God and man [to] violate and tear down the only true altar which has ever been erected to civil and religious liberty; and a desolation wider and more destructive than has ever darkened the fortunes of the human race would mark and signalize its accomplishment.¹

The editor admitted that the state had suffered somewhat along with the general agricultural interests of the South, but he believed that the evil would right itself.

Many men now wrote or spoke against disunion. On July 4, at Columbia, Alfred Bynum delivered an address which a correspondent said did much to stop seditious expressions in that part of the state. He reported that never before had he seen the tide of party feeling so suddenly arrested in its course as by this speech. This he insisted was no exaggeration, for at the several barbecues not a toast was permitted which had

¹ *Charleston City Gazette*, June 19, 1828. This paper was a daily. The *Charleston Carolina Gazette* was a weekly edition published by the same editors for country circulation. The *Charleston City Gazette* will be referred to hereafter as the *Gazette*, while the *Charleston Carolina Gazette* will be referred to as the *Carolina Gazette*.

the least savor of disaffection toward the government. The efforts of both William C. Preston and William Harper to answer Bynum were pronounced failures.¹

"One of the People," dating his letter from Pineville, now started a series of articles to show the dangers of disunion. He said that Colleton, Richland, and Abbeville, the districts which had been most clamorous on the subject of state rights and the federal government's usurpations, had lost sight of the original purpose of the State Rights party and had come to think too much of immediate and unconditional separation from the Union; they had perverted the state rights doctrines and misled the people simply for their own selfish ends.² Many other writers kept the *Courier* supplied with anti-disunion copy.³ Some of the anti-tariff meetings during the summer had features which attracted special attention. For example, at the Columbia meeting Professor Robert Henry, of South Carolina College, moved

¹ *Courier*, July 9, 1828.

² *Courier*, July 12, 1828.

³ In the *Courier*, on July 22, 1828, "A Citizen of the U.S." started a series of articles. On July 25, "A Southron" appeared. Soon "Lowndes" followed, and then many others in August. On August 28 "Union" began a series.

to strike out of the address those parts professing love for the Union. For this he was severely criticized by many, some of whom said that they would cry shame on the legislature if he were retained in the college. He had his defenders, however, in such papers as the *Cheraw Radical*.¹

A letter by David R. Williams, former governor of the state, to a committee of citizens of York district, attracted attention. He pictured the people of Kershaw district as extremely indignant, and averred that ninety-nine out of every hundred of the people of his congressional district believed the tariff unjust to the South and unconstitutional. He could not say as yet what proportion would oppose the operation of the law; but he feared that a number of young spirits would willingly risk their lives for a military career "if only for the fun of it," though the discreet and sober-minded would countenance only such opposition as he outlined. He was decidedly against any thought of forcible resistance, for he preferred to suffer as long as burdens were tolerable rather than encounter evils more terrible. He had as yet heard of no project which really assured relief. He could not see that the legislature could

¹ *Courier*, August 15, 1828; *Carolina Gazette*, September 12.

better things by taking affairs into its own hands. He preferred associations for non-consumption of eastern and western articles, and favored no project that might tend to dismember the Union.¹ Such were the views of the conservatives.

This was in direct opposition to the sentiment of a "large and respectable meeting of the inhabitants of Colleton district" at the courthouse in Walterboro, on June 12.² The official addresses of the meeting to the people of the state and to the governor spoke strongly for resistance and asked that the governor convene the legislature at once to consider the situation, or call a convention to do so. The editor of the *Mercury* commended this as showing proper disdain for anything like a mean evasion of the law; the people of Colleton, he was glad to see, would not form associations to counteract the tariff law, nor agreements not to use northern manufactures, nor would they resort to any step whatever which, while it would circumvent the law, would be tantamount to an acknowledgment of the right

¹ *Courier*, August 27, 1828.

² This section of the state, the southeast corner, seemed consistently to take an advanced position. The Bluffton movement of 1844 was another instance.

of Congress to enact it and thus tend to fix the oppression irrevocably upon the country. He praised them for clearly denying the constitutionality of the act and recommending distinctly such "open resistance" as became "a Sovereign and Independent State."¹

But the Walterboro meeting was proceeding too fast for the rest of the party, or at least faster than the other opponents of the tariff thought politic. While the *Mercury* itself later admitted this, the *Columbia Telescope*, which was generally understood to be the principal organ of the less conservative anti-tariff men of the interior, at once disapproved of the proceedings of the meeting and declared itself as preferring non-consumption as a more advisable mode of defeating the operation of the system.² The *Winyaw Intelligencer*, although firmly opposed to the tariff, also regretted the proceedings as premature, and the *Richmond Enquirer*, taking the same ground, called upon the citizens of Colleton to pause and avoid such a program as their enemies were most anxious they should adopt.

As yet the doctrine of nullification was not generally indorsed nor even discussed; other

¹ *Mercury*, June 18, 1828.

² *Mercury*, July 4, 1828.

methods were proposed. These were non-consumption, the establishment of state excises, and the establishment of southern manufactures. Each had a few strong advocates,¹ but many objections were raised. The *Mercury* regarded the non-consumption plan as equivalent to submission, and the establishment of southern manufactures as absolutely hopeless and only calculated to benefit a few individuals without effecting anything like general relief. George McDuffie was one of those who suggested these measures, which were to be made effective by a tax on all northern manufactured goods and Kentucky live stock after they had been incorporated in the property of the state; thus the people were to be encouraged to raise all their own horses, mules, and cows, and to manufacture their own wearing apparel.² Some confidently believed that a successful beginning in manufacturing had already been made in South Carolina. "Homespun" left at the *Courier* office, for the inspection of planters, a sample of cotton osnaburbs for negro clothing, manufactured by the South Carolina Manufacturing Company at Society Hill in Darlington district. This company

¹ *Courier*, August 19, 1828.

² *Mercury*, July 4, 18, 1828.

also manufactured other sorts of cloth for winter or summer clothes for negroes, and cotton bagging, "at prices most essentially anti-tariff," said "Homespun." The writer endeavored to show how South Carolina had at her command every means for avoiding extravagant duties.¹ Other writers recommended the manufacture of cotton-seed oil and the culture of the vine to help lighten the burden of the tariff. During this year and the next, noticeable attention was directed to agricultural improvements, and announcement was made of an agricultural paper which was to begin publication on January 1, 1830.²

While some writers were in sympathy with all suggestions and efforts which might enable the planters to bear up against the tariff, they contended that the iniquity of protectionism itself must never for a moment be forgotten. They believed that substitutes and experiments might produce temporary alleviation, but that the South could never be permanently prosperous until the restrictive policy was destroyed. Many writers deprecated the plans of non-consumption and

¹ *Courier*, January 26, 1829.

² *Mercury*, September 23, October, 1829; *Courier*, November 10. The *Southern Planter and Practical Agriculturist* was to be a monthly of 44 or 48 pages.

home manufactures as impossible of enforcement. While the Edgefield meeting of July 26 pledged its participants not to use northern manufactures or live stock, this expedient was viewed as having only slight and temporary value. Though faith was expressed in the state legislature, a committee of five was appointed to correspond with similar committees in South Carolina and other southern states. Thus a step was early taken to promote union of policy in the South.¹

For most of the disunion talk, so generally decried, the "*Mercury Junto*" was blamed, and the men connected with the paper were classed together as a dangerous group. Those who formed this junto were said to be some "apostate republicans"; ambitious office-holders and hungry expectants of office, deluded or wicked men, who would sacrifice on the altar of interest their dearest rights; "blind partisans of Calhoun, McDuffie, Hamilton, etc."; and "disorganizing ultra-federalists," who were "never so happy as when successful in fomenting dissensions among the different sections of the United States."² Strategem as well as disunion purpose was

¹ *Mercury*, August 4, September 23, 1828.

² *Gazette*, July 26, 1828.

attributed to the junto. Though not one of the "big leaders" had declared openly for separation, these cunning old politicians, it was said, had allowed a few of the very young men to speak for it; these young men were sent forth from the citadel of sedition, like little dogs, whose barking, if it aroused the citizens, should be the signal to the wary soldiers within to raise the Union standard and avert the impending attack. When public opinion was seen to be strongly Unionist, the *Mercury*, the organ of the Disunion party, protested against being called the advocate of disunion. "Thus," said the *Gazette*, "although we have stripped from the *Mercury* party the mask of virtue with which it would have concealed its treachery, we are yet unable to name the persons who would dismember the Union. The light of day shines not upon them; poor, cowardly assassins, they stab only in the dark."¹

Such accusations were based purely upon suspicion. The accusers had to admit that their charges could not be substantiated by positive citations. In May the *Mercury* had advised caution and careful consideration before action. In June it had approved the suggestion of the

¹ *Gazette*, July 26, August 1, 1828.

Walterboro meeting, that the legislature or a convention be asked to take steps toward such "open resistance" as became a "Sovereign and Independent State"; but in July it interpreted this to be simply a forceful declaration that the tariff act was unconstitutional and must be repealed; that the rights of the southern states had been destroyed and must be restored; that the Union was "in danger, and must be saved."¹ Surely there was no earnest advocacy of disunion in that; it merely suggested disunion as a possibility if the tariff system were not altered, and the suggestion was offered more for moral effect than with any immediate purpose.

As yet there were no clearly defined party lines throughout the state, as there came to be later when the State Rights party and the Union party were definitely organized. At this time, in the summer and fall of 1828, the main body of the people were just beginning to be aroused to the point where they were ready to contemplate other methods than resolutions against the tariff.

The hostility between the two factions kept increasing, however, and the leaders of the

¹ *Mercury*, May 29, June 18, July 4, 1828.

conservatives were especially severe in their accusations and denunciations of the radicals, whom they styled Disunionists. In Edgefield district the Disunionists seem to have boycotted the *Edgefield Hive*, edited by Dr. A. Landrum. This action the *Charleston Gazette* declared to be simply typical of the policy of coercion pursued by that party in both the upper and the lower country, to force into the views of "the wild and heated demagogues of the day" all who would not "throw up the cap and hurrah for disunion." This editor continued his fight against the "traitors" who worked in secret to destroy the Union, and hoped that ere long they would be dragged forth and exposed. By the last of August he noticed that the gang of professional office-hunters connected with the junto, seeing that the idea of disunion was not becoming popular, began to talk more for the Union side, in order to get elected. He favored putting the clique out of office and electing industrious, sober-minded citizens.¹

Not only were the majority of the people strongly against disunion at this time, but some were even pro-tariff in sentiment. A series of

¹ *Gazette*, August 11, 26, 30, 1828.

articles in the *Courier*, signed by "A Native,"¹ denounced the talk of disunion and expressed alarm at the meetings which asked that the legislature or a convention do something, for the author believed that revolutionary purposes were in contemplation. He held that a certain set of men was bent upon separation from the Union and was using the tariff controversy as a cloak. Though he claimed not to be a tariff man, he showed himself a thoroughgoing one. He tried to show that the South and South Carolina were not subjected to all the intolerable load of injury and injustice which had been urged as the motive for separation. The subject of the tariff had unfortunately become very much involved; what with pamphlets, speeches, memorials, reports, and resolutions, the mass of argument had become so enormous that men were taking their opinions at second hand; they would rather expose themselves to error and imposition than undertake the intolerable work of wading through such oceans of ink. He attempted a simple statement of the case.

"A Native" did not deny the right of revolution, but presented its dangers and seriousness,

¹ Seventeen in all, beginning on June 5 and ending on July 18, 1828.

and held that just cause for its exercise did not exist. He then proceeded to show the fallacy of the contention that the tariff operated so as to levy on one part of the community a tribute to be bestowed as a bounty on another. To him the idea of regarding it as a tribute levied by a few, the manufacturers, upon the many, the consumers, was absurd, and the calculations by which the consumers of goods not actually imported were shown to be tributary to the manufacturers in proportion to the amount of the duty that would be paid on the goods if imported seemed to him theoretical folly contradicted by the clearest practical proof. The tariff was not an arbitrary, uncalled-for interference of the government, but an institution arising from a combination of circumstances which could not be well overlooked by a vigilant and paternal government striving to assist the laudable aims of one part of the community without imposing any sacrifice upon another. Neither would it in its remote, any more than in its immediate, effects result in injustice or oppression to the consumers of the South. There were certain classes in the North whom it would affect indeed far more than it would the South. As for the southern agriculturists, the

writer endeavored to prove that to them the tariff act was a benefit. The effect of the tariff upon prices, the writer held, was incapable of calculation, but he contended that it only steadied prices at the outset, and invariably resulted in a reduction ultimately, as had been established by experience everywhere. The aid of a reasonable tariff to support manufacturers in the competition to supply a pre-occupied market was indispensable, he argued, and in the end would fully indemnify the consumers, for it contained in itself a counter-acting influence, which, by exciting competition, secured the community against increase of price, and furnished an indemnity by communicating a value to labor of every description. Beyond all question the power of Congress had been constitutionally exercised in this instance.

This was typical of a number of pro-tariff arguments,¹ of more or less merit, all of which were characterized by writers in the *Mercury* as anything but convincing.²

A planter near Augusta, who saw at least one phase of the situation clearly, wrote that

¹ In the *Gazette*, on August 18, 1828, "Prudence" started a series.

² *Mercury*, June 11, 1828. "The Astonished Natives" declared that "A Native" had soon "got into thick darkness from which no light could be seen."

he thought that the noise about the tariff would all end in smoke, for the people would soon learn that they could get their coarse clothing cheaper that year than the year before. He wrote:

I have bought my negro clothing and shoes 10 per cent lower this than last year, and 60 per cent less than when I imported the former direct from England a few years ago; and the fabric is at least 10 per cent better in wearing. And, besides, what has our tariff to do with the fall in price of all the cottons raised in other parts of the world? It is all madness and folly. The whole secret is, we raise too much of it and ought to turn our attention to something more promising and productive.

This was apparently the theory of the *Courier* editor also.¹

There were champions, not only of the tariff, but of federal internal improvements also. "One of the People" said he did not believe that all the people of the state were strongly opposed to internal improvements directed by the general government, despite the fact that the South Carolina representatives in Congress had declared against this function, for the planters of the interior sorely needed means of communication and had been shamefully neglected.²

¹ *Courier*, September 30, 1828; see also Houston, *Nullification in South Carolina*, chap. iii.

² *Courier*, June 18, 1828.

As already hinted, such disunion advocacy as was expressed attracted little attention in the North, save as it made capital in the presidential contest. The *National Intelligencer* held that the attempts in the South to bring about a separation of the Union originated with, and were promoted by, the friends of General Jackson; that the Jackson party was a dangerous one, because Jackson's election would result in the destruction of the confederacy. The *Mercury* denounced this as a mean artifice to help John Quincy Adams, and, after disavowing disunion, gave Jackson warm praise, in sharp contrast with its bitter censures a few years later.

If there is a man in the United States whose whole soul is devoted to his country, and who would esteem no sacrifice too great for the preservation of 'her liberty, that man is Andrew Jackson. . . . If any individual can preserve the Union; if any one man can compose the agitated waves which threaten to engulf us, he is that man. To him the people look emphatically as their last, sole hope.¹

The Adams administration, however, was not without its friends. The *Courier* and the *Gazette* were both Adams papers. The friends of the

¹ *Mercury*, June 27, August 6, 1828.

administration in various parts of the state ventured to hold a few meetings during the year, but the fall elections showed that not only Charleston, but the state at large, was overwhelmingly for Jackson. In Charleston the administration party made a desperate fight, but while the highest vote for a Jackson man elected as representative to the state legislature was 1,510, and the lowest number of votes for a winning candidate was 1,096, the highest vote for an administration candidate was 706.

In denying that it was a Disunion sheet, the *Mercury* always made the point that it sought merely to bring the Union back to the constitutional basis, and that if the Union were ever broken the blame would be on the North—with those who trampled the Constitution under foot and who, forgetting that the states of the South were coequal sovereignties with the others, seemed determined to exploit them as colonies at their own discretion and pleasure. In September, when it was seen that the state was decidedly against disunionism in any phase, the *Mercury* announced that the South did not really think of disunion, but that the real issue was simply as to how the violations of the Constitution were to be

remedied and how Congress could be induced to abandon forever the doctrine of implied powers.¹

As a matter of fact, very few if any of the small number of men who did talk disunion actually contemplated a recourse to it. And even those few saw that they must hide behind at least a pretendedly peaceable remedy, and one with little apparent implication of disunion. Nullification would serve.

The doctrine of nullification was brought to conspicuous notice by James Hamilton, Jr., at a Walterboro gathering, on October 12, 1828. "Our reliance, then, is on the Virginia and Kentucky Resolutions of '98—and upon these we put our citadel where no man can harm it." Nullification, he said, might be applied by the state either through its legislature or by a convention of the people in their sovereignty, and need not result in a dissolution of the Union, unless that was willed by their opponents. If the tariff were declared null and void within South Carolina, one of three courses would be open to the general government: first, to submit to this mode of redress, by leaving the people of South Carolina to themselves, with a hope that solitude would

¹ *Mercury*, September 3, 1828.

bring repentance and submission; secondly, to appeal to a convention of the states and thereby obtain a decision on the constitutional question; or, thirdly, to use direct coercion with the bayonet. As to the first, consideration of the commercial tribute South Carolina was paying would prevent its use. The third would destroy the Union and was but a wild speculation, unworthy of serious thought. The second was, he believed, the remedy which would be applied. If three-fourths of the states should decide for the tariff, then South Carolina, resting on her sovereignty, could decide whether to join a confederacy in which the prohibitory system was sanctioned by the very Constitution of the Union. But he confidently believed that the tariff would be rejected and that a purified Constitution would be the result.¹

Many looked eagerly to the session of the state legislature to point out the way for the state. These were doomed to disappointment. In 1824 Judge Samuel Prioleau, as chairman of a committee to which was referred the part of

¹ Speech of James Hamilton, Jr., at Walterboro, on October 21, 1828, at a public dinner given to him by his constituents of Colleton district (pamphlet).

Governor John L. Wilson's message touching the usurpations of Congress in the matters of internal improvements, protective tariffs, and the United States Bank, had reported that the legislature had no right to interfere with the legislation of Congress. Many prominent members took this view, but at the next session Judge William Smith brought forward resolutions, which were adopted, declaring that a state legislature had the right to watch over the proceedings of Congress, express opinions thereon, and remonstrate against such legislation as it disapproved. This it proceeded to do, and the same course was pursued in 1827. This was the doctrine of state rights as then understood.

When the legislature met in November, 1828, the subject of chief interest was of course the tariff, and parties were beginning to form with regard to future action by the state. Virtually all were opposed to the tariff, but there were wide differences as to the mode and measure of redress. There were the moderates and the radicals; Hugh S. Legaré was a prominent leader of the former, and Chancellor William Harper of the latter. During two weeks of discussion in the legislature a number of resolutions were offered and all referred to a committee. In the meantime

Colonel William C. Preston asked John C. Calhoun to write a report for adoption by the legislature. Calhoun wrote this report, and it was sent to the committee and reported by it to the House for adoption. The legislature was not ready to adopt the report, which was the very embodiment of nullification disguised by a great deal of metaphysical ingenuity, but it adopted instead a set of relatively tame resolutions, and ordered the report to be printed. These resolutions declared that the tariff acts were unconstitutional and should be resisted, and invited the other states to co-operate with South Carolina in resistance. The resolutions were sent to the several southern governors to be submitted to the state legislatures. Many erroneously took the policy of the Exposition to be that officially approved by the legislature. The authorship of the Exposition was anonymous; Calhoun was as yet behind the scenes, and was not to appear openly as an actor in the nullification episode until he was later forced to do so.¹

During the next year, 1829, the state was much less agitated over the tariff, because early in the

¹ *Mercury*, December 23, 1828; *Gazette*, July 1, 1831; B. F. Perry, *Reminiscences and Speeches*.

year it seemed that the South Carolina protest would at last be received in Washington with proper attention. Indeed, there appeared to be much opposition to the tariff act even in the North.¹ The editors in the state, even the most vehement ones, must have felt no little confidence that Jackson and Congress would reduce the tariff at the coming session; for, during the summer and fall, up to the time of the opening of Congress, the press was noticeably silent on the subject.² This must not be interpreted to mean that the people of the state, unanimously confident, were simply waiting patiently for Congress to meet and redress their every grievance. There were quite audible scattered grumblings. At the Walterboro celebration on the Fourth of July the toasts again reflected an ardent desire for resistance; one denounced the legislature of 1828 as having given a stone to the people when they were asking for bread. The *Columbia Telescope* did not

¹ *Courier*, February 11, 1829.

² Many men believed, as James H. Hammond said in his July 4 address at Columbia, that "the Powers that presided in our day of darkness are no longer lords of the ascendant. Another star has risen and there are streaks of light already visible in the horizon which augur the dawn of a new and bright day. The night will pass away"; its memory, he said, would serve as a warning against future attempts at usurpation (James H. Hammond, Papers).

rest so quietly on its oars as did other papers of the state, and in its comments on the Independence Day celebration took occasion to remark that the government since its establishment had changed very materially for the worse.¹

The *Telescope* now studiously answered the northern papers which were attacking South Carolina with charges of "Treason, Rebellion, Disunion, Blood, Carnage, Etc.," and admitted with Thomas Jefferson that even disunion was not the greatest scourge which could afflict the nation, and that whenever the original terms and purposes of the Union had been essentially and permanently changed (which condition, it strongly hinted at various times, was at hand), it could no longer be desirable to any sensible, honest, or patriotic man. A little later this editor argued that disunion would not be so disastrous to the South as pictured by some,² and accused the *Edgefield Carolinian*, and the whole community thereabout, of being too nationalistic in their

¹ *Columbia Telescope*, July 10, 1829. This paper will be referred to hereafter as the *Telescope*.

² He declared that the South could go out, as far as the results of disunion were concerned, with security; but that he was not anxious for disunion, unless driven to it; that it was to be preferred, however, to further submission to the tariff and internal improvements—the American system.

views and not strong enough supporters of state sovereignty and state rights.¹

The *Telescope* thus, contrary to the prevailing attitude of the state and that of the Disunion party, advanced from a moderate anti-tariff position to an open advocacy of the disunion doctrine in theory, and an announcement that it would be ready to follow that doctrine in practice if matters were not speedily righted. While there were a few tilts in that year over the question

¹ *Telescope*, September 4, October 16, November 6, 20, 1829. This charge was called forth by an article in the *Edgefield Carolinian* calling Dr. Thomas Cooper a "foreigner" and dangerous radical, and saying that his speech in July, 1827, in which he said that it was time for the South to calculate the advantages of the Union, was a sentiment uttered at an improper time by an improper person, and that it had been injurious to the cause of the South. The *Carolinian* said: "It certainly enabled those enlisted against our rights to appeal with great success to the prejudices of the people in favor of the Union, before they had been sufficiently enlightened as to the outrageous oppression practiced upon them. It was argued with great adroitness and effect that the opposition to the tariff was a mere scheme of some of the southern politicians to gratify their ambition in obtaining that power which would be inaccessible while we maintained our political relations with the other portions of the country. We are as well satisfied as we can be of any fact from observation, that the friends of spirited resistance to the tariff have had to encounter no obstacle more embarrassing than the revulsion of feeling produced by the indiscreet violence of Dr. Cooper and some of his confederates. Love for the Union is too deeply seated in the American bosom to be lightly shaken by any reasoning on its pecuniary advantages."

of disunion,¹ there was a decided lull on the issue throughout the state.

Toward the end of the year, as the time approached for the assembling of the state legislature and of Congress, it was, in view of what some expected from the latter, a pertinent question what action the former should take. Early in the year, in its first issue, the *Greenville Mountaineer*² had thoroughly indorsed the course of the last session of the legislature as the only one for South Carolina to pursue, for it believed that there was no step between the one already taken—legislative protest—and open, unqualified resistance. The plan of non-consumption of all products which were either grown or manufactured in the tariff states was approved as the only proper mode of resistance, however feeble it might be.

As the time approached, other suggestions were ventured. Two writers in a Columbia paper differed as to what they considered the proper policy. "Lowndes" felt, in view of the forbearance of the state in the past, when there

¹ *Courier*, August 4, 1829, "A Carolinian"; October 15, "Anti-Cato"; *Gazette*, September 17, "Union"; August 4, "Caution."

² *Greenville Mountaineer*, January 10, 1829. This paper, soon to prove itself a strong Union paper, will be referred to hereafter as the *Mountaineer*.

was not a single ray of hope for help from Congress, that it would be folly for the legislature to take a positive stand now, just at the time when there was a prospect, even though a slight one, of justice. He favored an adjourned meeting of the legislature to be called after Congress had acted. The coming session of Congress would decide the question forever; if the decision went against the South, then the only alternatives would be for the legislature to declare a peaceable secession or declare the unconstitutional laws a nullity not to be obeyed.

The other writer, "State Rights," could see in such a course nothing better than the "wordy warfare," bordering upon the ridiculous, which the legislature, as "Lowndes" admitted, had kept up for the last five or six years. He would have the legislature demand of Congress the calling of a convention of the states. "Lowndes" pronounced this nothing short of chimerical for if the South was unable to get a simple majority of Congress for the repeal of the obnoxious laws, it was more than obvious to him that it need never think of relief by means of so complicated and tedious a way as a convention, even though that was an essential feature in the plan of the author

of the Exposition. The editor himself simply remarked that whether the next legislature would talk and talk and deal in rhetorical flourishes, as the last had done, until the members bewildered themselves and disgusted their hearers, he knew not, but he firmly believed that no good would be done.¹

In this period of waiting some predicted that if Congress should persist in its past course it would find that, even though there were apparently now a moderate and a violent party, the line between them was either faint or undiscernible;² others raised their voices in warning against the dangers of petty jealousies, local prejudices, selfish interests, apathy, timidity, or anything that would cause division before the enemy.³ But, in spite of such opinions and warnings, South Carolina was by no means a unit even as to the doctrine of state rights. Quite a number of men in the state were more or less nationalistic in their political leanings, and, among those who were reckoned adherents of a pure state-rights belief there were many who, deep in their hearts,

¹ *Telescope*, October 9, 30, 1829.

² *Mercury*, August 6, 1829.

³ *Telescope*, October 30, 1829; Hammond Papers: Hammond's July 4 address.

did not believe in that doctrine implicitly, but supported it because they thought it the best for the state and the South under the circumstances.

An excellent example of this class was an ambitious, earnest young lawyer, striving to convince himself honestly, by close study, as to the true status of political affairs. He wrote to an intimate friend¹ that he had read much and thought more on politics during the past year than he was willing to acknowledge, since he should have devoted his time chiefly to law. The result of his reading and reflection had been first to throw him into the ranks of those who thought the strict and liberal constructionists both went too far, and that the true constitutional ground lay somewhere between them. But, in spite of his conviction, he had gained another, a sad one: that it was to the interest of the South to cling to state rights. Therefore he was a state-rights man and believed that the state should prepare to act according to the implications of that doctrine. Any one of the respectable class who believed as this honest young citizen did, but in whom the latter conviction, that it was to the interest of the South to

¹ Hammond Papers: T. W. Brevard to J. H. Hammond, October 11, 1829.

cling to state rights, even to the literal and logical conclusions of that doctrine, was not sufficiently strong, would not throw his hat into the ring until more thoroughly convinced that it was necessary as a last and only measure.

When the legislature—with which some in the state were disgusted, but to which many still confided their hope for the future—met on the last Monday in November, it spent much time in lively debate on the question of federal relations, and ended by adopting another set of resolutions which in reality went little if at all farther than the previous ones. The usurpations of the general government were solemnly deliberated upon, and in the House were referred to a special committee of seven¹ upon “Relations with the General Government,” which was the precursor of a standing committee upon the same matter in later years, known as the “Committee on Federal Relations.” This committee recommended a preamble and resolutions which the House adopted after slightly amending them.

They expressed confidence in the President and his inaugural promises in all particulars except as to the tariff; they declared that a mere modifica-

¹ Composed of Preston, Gregg, Elliott, Hayne, Smith, Toomer, and Wardlaw.

tion of the tariff of 1828 without a relinquishment of the principles on which it was founded would not satisfy South Carolina; that they would not express any fears now that Congress would not do justice in that regard, but "relying on the firmness and energies of the state," they would simply "wait for the proceedings of Congress to show whether the constitutional confederacy had been overthrown by a combination of interested majorities against which there was no conservative power but that which resided in the states as sovereigns." They recommended that the governor open a correspondence with the South Carolina delegation in Congress and concert such measures with them, during the recess of the legislature, as the events of the present Congress might make necessary; they expressed high confidence in the zeal, firmness, and discretion of the governor and the delegation in Congress, but asked that such measures as they might decide upon as best be laid before the legislature or the people. Although they did nothing now, it seemed to be agreed in the debates that, if nothing had then been done by 1831 to redress southern grievances,¹ the state should then take action.

¹ *Telescope*, December 24, 1829; *Courier*, December 7; *Mercury*, December 21.

CHAPTER II

NULLIFICATION ADVOCATED AND DENOUNCED (1830)

There were few citizens of South Carolina who did not feel some degree of hope that the session of Congress which began in December of 1829 would reform the tariff in a manner satisfactory to the South. But as the months of the session passed without action, the conviction rapidly spread that the congressional prospect was hopeless. A report of the House Committee on Manufactures very early declared it inexpedient to make any alteration whatever in the existing protective system. But the question was not to be thus easily dropped. Proposals of change were submitted, and in the debates George McDuffie, of South Carolina, was a brilliant advocate of tariff reduction. He offered a bill which would in two years have reduced the duties upon all the prime necessities of life, including woolen and cotton goods, iron, etc., to the standard of the tariff of 1816. But even the genius of a McDuffie was without force against what seemed to be the grasp-

ing hand of avarice. His bill was laid upon the table by a decisive vote.¹ The bill which was finally passed, based largely upon the Mallory bill of the House Committee on Manufactures, met with little favor in South Carolina.²

After the receipt of the first report in which the House committee declared itself adverse to any change, one paper after another in South Carolina began to urge that the state should be "anchored on her own energies" and "rely upon her own virtues." The report seemed to say that a system of consolidation would be fixed upon them, under which the southern states, taxed and oppressed for the benefit of the manufacturers, could not fail to sink into a deplorable state of poverty and degradation, unless!—unless they asserted their rights and strove for redress "by exercise of their own energies as sovereign states."³ It is worthy of notice that during these months the

¹ *Congressional Debates*, Vol. VI, Part I, pp. 555, 556.

² *Mercury*, February 16, 1830; *Telescope*, May 7; *Congressional Debates*, Vol. VI, Parts I and II.

³ *Telescope*, January 15, 1830; *Mercury*, January 13, February 16. Thenceforward these papers daily recited the wrongs which the whole governmental system inflicted upon the South, and asked whether the states would submit or whether they would not prove themselves worthy of the Revolutionary legacy of liberty. The *Mercury*, May 1, 1830, contains a typical editorial.

appeals were largely to the South as a whole, and that the talk of action was largely in vague phrases. The appeal for definite state action came later.

When the Mallory bill appeared, the main features of which seemed destined to be retained, it was despised, both for its rates and for its obstructive machinery.¹ The bill as finally passed by Congress did have in it what many South Carolinians interpreted as a pretense at conciliation of southern demands; but this was soon shown in its true light by the press of the state, and by all but a few was distinctly rejected as a concession. The duties on tea, coffee, salt, and molasses were either materially reduced or removed; but the protection of manufactures was retained. The majority of the papers of the state soon pointed out that the North was not concerned in growing any of these articles; it was concerned, like the South, only in consuming them. It was, therefore, highly beneficial to the northerners to have light duties on these comforts of life. They were, no

¹ *Telescope*, February 12, May 14, 1830; *Camden Journal*, May 8 (this paper will be referred to hereafter as the *Journal*); *Pendleton Messenger*, August 4 (this paper will be referred to hereafter as the *Messenger*); *Charleston Southern Patriot*, August (this paper will be referred to hereafter as the *Patriot*).

doubt, willing to go on in this way until every cent which they contributed toward the support of the government should be taken off and the South left to pay the expenses of government and support the northern manufactories besides.¹ When this so-called trick was exposed, others, formerly hopeful, joined the ranks of those who believed that not a shade of hope remained for the South. Whatever would be done would be "in further insult or injury to the despised Plantations" and in further violation of the "prostituted parchment" which they "called in mockery a constitution."² Some of these joined the ranks of the bold and asked how long such things were to be borne. Could a sovereign state, having in herself the undoubted means of redress, "with worse than womanish weakness" forbear to use them? Had her citizens who did so the hearts of men? The doctrine of state rights must be their sole safety, and many rejoiced at the spread of this doctrine as a result of the Webster-Hayne debate.³

¹ *Mercury*, May 29, 1830; *Greenville Mountaineer*, May 7.

² *Columbia Southern Times*, May 17, 20, 1830. (This paper will be referred to hereafter as the *Times*.)

³ *Times*, May 20, June 10, 14, 1830; *Telescope*, July 2. The Webster-Hayne debate is further treated below, p. 64.

There were some, however, who viewed the action of Congress as a promise of a better program for the future.¹ The *Courier* was even accused of trying to show the tariff to be not an evil to the South, but a positive good.² There were also some few in the state who were said, with some degree of truth, to be ready to sacrifice the principle for which the state stood as regarded internal improvements.³ The tariff defenders

¹ *Pendleton Messenger*, March 24, August 25, 1830; *Greenville Mountaineer*, June 11.

² *Mercury*, May 15, 1830. The *Mercury* pronounced this an insult to the people; true, some prices were lower than they had been before the tariff was fixed, but this was in spite of the tariff, and they would have been still lower without it. The fall in prices had been general, affecting articles unprotected and protected alike, and was due to the substitution of a sound for a depreciated currency, to machinery improvements, etc.; prices would have been still lower but for the tariff.

³ The directors of the South Carolina Canal and Railroad Company petitioned Congress to purchase some of its stock. This was at once regarded with alarm by many who believed that it would imperil the honor, rights, and dignity of the state, and who were even then protesting against the power of the general government in relation to internal improvements (*Courier*, March 5, 1829). Accordingly, on December 2, 1829, the House of the state legislature voted resolutions requesting the South Carolina congressmen to oppose any such appropriations for internal improvements (*Courier*, December 7, 1829). On January 1, 1830, a railroad meeting was held in Charleston which passed resolutions inviting Congress to take stock in the South Carolina Canal and Railroad Company and a committee was appointed to memorialize Congress and ask the South Carolina

cited, as a precedent worthy of following, the stand taken by South Carolina statesmen in 1816.¹ The anti-tariff South Carolinians of 1830, however, excused these men of 1816 on the ground that they had voted for the tariff distinctly as a temporary measure, to be reduced to 20 per cent in three

congressmen, and their representative, Colonel William Drayton, in particular, to support the memorial (*Mercury*, January 4, 1830; *Courier*, January 4). The congressmen were thus placed between two fires, as the state legislature had asked them to discourage this step. The Charleston meeting was said to have been an open meeting, previously announced, attended by some 820, and engineered by no previous organization (*Courier*, January 4, 1830). The *Mercury* tried to show, however, that it was the work of an interested faction, and such was in part probably the case.

Both the *Courier* and the *Patriot* (February 3 and January 21, 1830, respectively) held that, though Congress did not possess the constitutional power to execute a general system of internal improvements, it might, as in this case, invest the national funds in a manner that did not in any manner affect the sovereign and reserved rights of the states. The *New York American* thought this distinction more specious than real. The *Patriot* argued that this was not an infringement on state sovereignty, though the construction of a general system by the central government without the consent of the states would be; and, more to the point, that this was a mode by which South Carolina might get some benefits from the system if Congress were to persist in it.

A letter was sent to Drayton by the Charleston committee, requesting him to support the memorial in which Congress was asked to buy stock in the South Carolina Canal and Railroad Company. He replied that he could not do so, because he did not believe such a

¹ *Patriot*, March 3, 1830.

years, and as a special concession to the manufacturers to allow them to withdraw their capital with little loss. But the manufacturers had betrayed the trust of the South Carolina delegation by applying for an extension of the system, unsuccessfully in 1820, but successfully in 1824. James Hamilton, Jr., now published his famous

course on the part of Congress a constitutional one. The arguments usually presented to impute such power to Congress he considered mere sophistry. The *Mercury* strongly approved Drayton's course (*Mercury*, January 26, 27, 1830).

This episode attracted considerable attention. The northern papers seemed to interpret it as an indication that Charleston was switching principles altogether. The *Mercury*, however, said that those who approved were merely the same ones who had long been for a tariff and for internal improvements, together with a few who, though honest opponents of the tariff and internal improvements, thought that Congress could constitutionally invest the public funds in the stock of private companies, and who, lamenting the depression of the city and state, thought it desirable that an effort be made to revive them by such an investment in the stock of the South Carolina company (*Mercury*, January 27, 1830). General Robert Y. Hayne came out, in a letter made public (*Columbia Southern Times*, February 8), to show that this was sacrificing all principle, and a meeting at Walterboro, always in the van, denounced the petition of the company as destitute of propriety and expediency and unworthy of being countenanced by the citizens of South Carolina (*Mercury*, February 17). It was not that they opposed the railroad, but that the state was engaged in a struggle for political liberties, the successful issue of which was endangered by such a petition. It seemed to be a case of trying to eat one's cake and have it too.

confession that in 1821 he was laboring under "an honest but blind delusion" in advocating the exercise by Congress of powers which he had since come to see were ruinous to South Carolina. He added that he was not alone in this change of sentiment between 1821 and 1830, but that nineteen-twentieths of South Carolina citizens had also thus changed.¹

Although the South Carolina Exposition came out during the legislative session of 1828, the following year, as has been shown, was one of lull. During and after the session of Congress, which sat through the first part of 1830 without giving satisfactory relief, many went back to the nullification doctrine and from that time on a number of leaders urged that it be carried to the point of action. At first the doctrine suffered because of the disunion imputation, and soon the main object of the nullification advocates became the removal of the disunion stigma.

In this period of educating the people as to the merits of nullification, one of the writers who early in the year attracted considerable attention was "Hampden." This writer was Francis W. Pickens,

¹ *Courier*, August 23, 1830; see Houston, *Nullification in South Carolina*, chap. i.

of Edgefield, a statesman of no mean ability.¹ "Hampden" as a literary character became widely known, but his identity was long kept a secret.² These articles appeared first in the *Edgefield Carolinian*, but were copied by other papers in the state.³ But as yet only the more courageous

¹ Hammond Papers: Pickens to Hammond, March 8, 1830.

² Hammond Papers: Eldred Simkins, Sr., to Hammond, March, 1830, shows how much some men wrote for the press over assumed names, and how well the secret as to the identity of these men was kept.

³ *Columbia Southern Times*, May 13, 1830. In a letter to Hammond, editor of the *Times* (Hammond Papers: Pickens to Hammond, March 8, 1830), asking him to publish the articles, Pickens showed clearly how deeply he felt the importance of the situation. He said in part: "I have thought long and intensely on these subjects; I write not in haste or in passion, but in cool reflection and fixed determination. I have . . . investigated my conclusions and I write to enlighten those who have not the means of knowing, as well as to excite those who know and feel not. I think it idle to attempt to rouse a community to act before you inform them where they are and what they stand on. . . . I am for decided action. I love the Union and think it can only be preserved by an open, fearless, and manly course in the state as a sovereign in this confederacy. . . . I have no motive in making the present request of you, or in writing those numbers, but to advance the rights and indicate the wrongs of my degraded and oppressed country. I feel as an injured freeman and hope that the community may feel the same." He said that he would have sent the numbers to Hammond first, had he not feared that the local editors would take it as a desertion of their paper if they suspected the authorship; furthermore, "there had been so much written on the subject in Columbia that the people might begin to think that it was only the community about that place who entertained sentiments and feelings similar to those embodied in the numbers."

would openly and actively support the nullification theory. Pickens agreed with Hammond¹ that the people were not as advanced in position as were many of the leaders, particularly in their stand on disunion as a possible ultimate necessity; to educate the people up to this final point, Pickens wrote the "Hampden" numbers. But at the same time he believed that a great body of the intelligent citizens were far ahead of some of the would-be leaders, lawyers particularly, who would not risk the loss of popular favor by associating themselves with the tenet of disunion. When the people showed signs of being ready for it, these petty leaders would be in the van; but they would not declare themselves thus early, when their leadership would count for most. For such men he had only contempt, and he predicted that they would inevitably be lost "in the great struggle that must sooner or later agitate this country deeper than it has ever yet anticipated."

In reading such statements one is likely to think that the authors must have anticipated a clash of physical forces, of arms, indeed; yet nearly invariably these writers maintained, as did Pickens, that the states had under the Constitution a moral

¹ Hammond Papers: Pickens to Hammond, March 13, 1830.

power, in their reserved powers, which could give entire redress, and to the support of which at least half the states would rally if it became an issue. Some of the defendents of the faith might have added privately, as did Pickens, "but if we do not succeed constitutionally and peaceably, I am free to confess that I am for any extreme, even 'war up to the hilt,' rather than go down to infamy and slavery 'with a government of unlimited powers.'" He favored immediate action, for to his mind there never had been as good a time for the state to act as then. The administration was really weak, and from the constitution of the parties in the general government its power was lessened; it might in a few years be otherwise.¹

The possibility that nullification might involve disunion caused many to hesitate; this is abundantly shown by the correspondence, pamphlets, and newspapers of the time. Many, however, believed implicitly that there was a conception of nullification in which even the possibility of secession had no place, and that, in fact, in so far as resistance to the obnoxious laws of Congress was

¹ Hammond Papers: Pickens to Hammond, May 13, June 26, 1830.

likely to be successful or even beneficial, it must be legal or constitutional.¹ Some openly broached the subject of peaceable secession from the Union and contended that such action was not only justifiable but would leave the general government without power or pretense of a reason for coercion.² Others thought of nullification and secession as two entirely distinct measures by no means closely related, the latter to be thought of only as a last resort.³ This class thought that there was great evil in writing and talking about disunion or secession, because it would shock and disgust the people to such an extent that it would prejudice them against any remedy whatever and prepare them for submission.

While many saw clearly the relation between nullification and secession, and that the latter might follow the former, they differed widely as to their predictions of what would actually happen in case nullification were tried. Many of this class clearly defined nullification as an exercise of the sovereign authority of the state, declaring

¹ Hammond Papers: William D. Martin, representative at Washington, to Hammond, March 10, 1830.

² A writer in the *Columbia Telescope* in the fall of 1829.

³ Hammond Papers: Eldred Simkins, Sr., to Hammond, March, 1830.

a law of the general government void and inoperative in that state on account of its unconstitutionality. In other words, they held that authority to pass it was not delegated by the states in the formation of the Union, and, that the state, not having agreed when it entered the confederacy to the exercise of such authority by Congress, would not allow it to be exercised now unless three-fourths of the states, according to the terms of the Constitution, agreed to make this sanction an addition to that Constitution. In that event the state must submit, or rebel against its own stipulations and revolutionize the government.¹ In the case of the tariff the consent of the three-fourths of the states, necessary to give the power to continue to pass tariffs, would not be secured;² the southern cause would be triumphant and the republic saved. Surely there was nothing dreadful about that.³

¹ *Columbia Southern Times*, May 10, 1830.

² The tariff men could muster eighteen states, but that would not be three-fourths.

³ To make this process more simple, some suggested that the southern states should endeavor to procure such an amendment to the federal Constitution as would give one-fourth of the states, through their representatives in Congress, the power to demand that an act of the federal legislature, threatening an infringement of their rights or affecting their interests, should be passed by a majority

Still others who saw clearly the relation of nullification to secession professed loudly that the party in South Carolina opposed to the usurpations of the federal government did not desire disunion; they claimed to contemplate nothing but a peaceable and constitutional assertion of the rights of the state; but they admitted that if she were opposed in restoring the Constitution to her conception of its purity, the Union might be dissolved; they then placidly washed their hands of all blame in such an event by saying that such blame must be laid at the door of those who first trampled on the Constitution. Many of this class were not entirely honest in their public professions. In reading the editorials of many of the ardent nullification sheets the reader feels that while they tried to belittle the possibility of disunion, and to shift all blame for such an event from their shoulders, yet they really saw that disunion was quite likely to result from the step they urged.¹

of three-fourths, voting by states, of both branches of Congress. This they viewed as the only principle which would effectually protect the minority under a confederated government (*Charleston Southern Patriot*, May 8, 11, 1830).

¹ *Mercury*, March 27, 1830; *Telescope*, June 18, July 16; *Times*, June 17.

Another large class, then becoming known as the Union party, decried nullification in any form whatsoever. To them the doctrine, however disguised, spelled revolution.¹

During the greater part of 1830, men were reading and talking, and perhaps thinking; they were preparing themselves to be aligned when party lines became rigidly and severely drawn. By the middle of the year the moderates seemed to be gaining the upper hand in a way that set the action party on its guard.² Judge William Smith, General Stephen D. Miller, and General James Blair were now looked upon by the nullification supporters as prominent among the advocates of moderation whom it would be desirable to crush or cajole into shifting their position. More work of education had to be done in the cause of nullification; the people did not understand it well enough. Pickens thought the Nullification party was neglecting its campaign of education by not publishing more pamphlets, which he considered

¹ *Patriot*, July and August, 1830; *Columbia Southern Times & State Gazette*, July 8. On this date the *Southern Times* took this new title. It will still be referred to hereafter simply as the *Times*. The Unionists will receive more attention below.

² Hammond Papers: Pickens to Hammond, June 26, 1830.

far more effective with the people than newspaper articles.¹

Public dinners and barbecues came thick and fast in June and July. The toasts reported from the various campaign feasts showed a great variety of sentiment. The sentiments were nearly unanimous in their deep sense of the wrongs of the South and their determined resolution to redress them; but as to the measure of redress they differed widely. Nullification by the legislature, by state convention, secession, disunion, a convention of southern states, were all proposed. Some, however, expressed dissatisfaction with the state rights and "Carolina" doctrines. Most of them professed love for the Union, but greater love for state sovereignty to resist oppression.

¹ Hammond Papers: Pickens to Hammond, June 26, 1830: ". . . . We are negligent in one thing, and that is that we do not take pains enough to spread information in an easy way and in such a way before the people that they would read it. Now when we get into the tariff and internal improvement country, we see, on every man's table who has the slightest influence, piles of writing in pamphlets on those subjects which are so interesting to them, and by this systematic course [they] affect public opinion there; they keep the people united and excited. Here we have nothing of it. We have had nothing hardly but the *Crisis* published so that everybody would read it, and that was so blunt and coarse [with] its talk about disunion, that the people were chilled by it. . . . The people will not read in the newspapers so well and with as much impression anything, as if it were in a pamphlet before them."

Clearly, however, there was no strong demand for nullification, and secession was far from the thoughts of all but a few.¹

At Charleston on July 1 a "public dinner" was given in honor of William Drayton and Robert Y. Hayne, "exclusively by Friends of the Southern States."² About six hundred banqueters were accommodated at the city hall. Hayne had before been the spokesman for the Nullifiers and he did not disappoint them this time. Drayton, however, spoke against nullification, and upheld the federal judiciary in a way that long rankled in the minds of the Nullifiers and called forth many an article and editorial to show that there were cases in which a state might throw itself upon its sovereignty and protect its citizens from an unconstitutional law, in spite of a decision of the Supreme Court that the law was constitutional; the Constitution itself, indeed, needed the protecting shield of state sovereignty against Congress and the Supreme Court.³ To Drayton's assertion that a government whose acts were not obligatory on its citizens would be a strange anomaly, it

¹ *Times*, July, 1830; *Mercury and Courier* for the same month.

² *Mercury*, July 2, 1830; *Times*, July 22.

³ *Mercury*, July 8, 13, 1830.

was answered that a government whose every act was obligatory on its citizens would be much more dangerous, if not equally anomalous; the peculiarly happy feature of our government was, it was said, that to resist the unconstitutional and oppressive abuses of power was not rebellion nor revolution, as in other governments, because of the possible intervention of the state veto.¹

Other men spoke at this dinner, among whom were James Hamilton, Jr., Robert J. Turnbull, Henry L. Pinckney, and Langdon Cheves. The first three were Nullifiers; but the last-named observed that the southern states were all equally interested in the existing crisis and that it would

¹ Drayton recommended a course of reasoning with the North as all that was warrantable or necessary to induce it to yield on the tariff. Such a program was said to be worthy of a new leaf in "the history of knight errantry, expressly to record the adventures of a champion who would venture forth armed only with his bugle, expecting to demolish ramparts and prostrate veteran warriors by its enchanting sounds alone; and, what would add infinitely to the romance of his achievements, by proclaiming with loud voice to all he meets, the appalling alternative, that if they did not yield, he would." Nothing but decided and immediate action would do, said the editor of the *Times*, July 22, 26, 1830. "Moultrie" in the *Mercury*, August 7, took almost the same position. He noticed the "crocodile eulogiums" pronounced by the northern press on Drayton's speech, because it counseled conservatism which the northerners interpreted to be an assurance that their aggressions would not be resisted seriously.

not do for South Carolina to take any step without their co-operation.¹ The dinner was looked upon by many Unionists as a political move on the part of the Nullification-Disunion party to popularize its doctrines.²

The Webster-Hayne debate was a fortunate piece of advertising for the doctrine of nullification, and came just at a time when such publicity was most needed. The South Carolina papers printed many of the speeches almost entire.³ The nullification press of course gave most of its space to Robert Y. Hayne, enthusiastically approved his exposition, and slurringly referred to Daniel Webster as the "Janus-faced, blue-light federalist" or in other terms equally reproachful. Webster was not without his worshipers, however, even in South Carolina, and a few papers pro-

¹ *Mountaineer*, July 16, 1830.

² It was said that the *Mercury* had wanted to hold a big public meeting to get Hayne's nullification doctrines indorsed, but had gauged popular opinion to be adverse; under the circumstances the best it could do, to get anybody at all to attend, was to give a dinner and invite Drayton; his friends attended because they knew he would disavow the doctrines of Hayne and Turnbull (see *Gazette*, June, 1830; *Courier*, July 9).

³ *Mercury*, February 2, March 17, 1830; *Telescope*, March 5; *Mountaineer*, February 27; *Times*, February and March; *Congressional Debates*, Vol. VI, Part I; Houston, *Nullification in South Carolina*, chap. vi.

nounced his to be a lucid and just exposition of the true principles of our government, an able and unanswerable defense of the Constitution against the dangerous construction of its powers which would render not only its efficiency, but its very existence, dependent upon the caprice of a state legislature.¹

The feature of the debate which seemed most to encourage the Nullifiers was the indorsement of Hayne's position by certain men from all parts of the North; what had lately been called a treasonable tendency and derided as the "Carolina doctrine" thus gained supporters from sections supposed to be completely inimical; the increasing popularity of the cause seemed abundantly witnessed. The whole issue gained importance by being transferred from the newspapers and some of the state legislatures to the Senate of the United States. Since some of the friends of the administration supported the principles set forth by Hayne, the *Mercury* ventured to predict that the President himself would consistently maintain them. With the right of a state to nullify a dangerous and unconstitutional law apparently admitted by some of the ablest statesmen of all

¹ *Courier*, March 9, 1830; *Gazette*, March 9.

sections, the nullification papers boasted that their doctrines were rapidly extending to all parts of the Union. This had its effect on many of the doubtful and the timid in South Carolina, and encouraged the leaders to press more boldly their demands for action. Surely, they argued, now when the cause seemed on the way to victory, its parent state, South Carolina, should not falter.¹

Others thought that the debate decided nothing except that "orthodoxy is my doxy, and heterodoxy is your doxy." Some of the Nullifiers admitted that the debate on abstract principles left the issue an open one until decided by a concrete case. This they thought to be at hand, and they held it the duty of South Carolina to force the issue. It would be a glorious achievement if the people of South Carolina asserted and maintained her sovereignty. But if they meanly shrank from the contest, awed by imaginary fears, and submitted to all the wrongs heaped upon them, unmitigated oppression would be their present doom, and future infamy their merited reward. The October elections must decide her fate.²

¹ *Mercury*, March 23, April 1, 1830; *Telescope*, March 5.

² *Times*, April 1, 1830; *Messenger*, March 10.

In the movement leading to the organization of the Union party the most prominent figure, in the uplands at least, was Benjamin F. Perry, who in January, 1830, launched the *Greenville Mountaineer*.¹ Perry was a clear thinker, an able writer, and a fearless advocate. In contrast to the Nullifiers, who preached state sovereignty as the *sine qua non* of existence and belittled the Union on all occasions, the first principle in Perry's faith was a belief in the people as the only true and legitimate sovereigns; and the next dearest object of his thoughts was the Union of the United States. The only circumstance that could induce him to contemplate a dissolution would be the necessity of doing so to preserve republican government; but that such a contingency would ever arise he could not believe.

The great body of the Union men were opposed to all protective duties; they thought the existing tariff unjust, oppressive, and a fraud upon the Constitution, because it purported to be a revenue measure and was avowedly a protective measure. But they preferred to suffer while evils were sufferable, relying on a returning sense of justice in the American people.

¹ *Mountaineer*, January 16, 1830.

To them the Constitution was a complex but harmonious scheme of civil polity, every part of which was equally necessary to the support and well-being of the whole. The powers of sovereignty were distributed among the several state legislatures and the government of the United States. To the federal government had been delegated certain express powers, and in the exercise of these powers this government was unlimited. To the state governments belonged all powers not ceded to the general government and not expressly denied them in the federal Constitution or in their own respective constitutions. In the exercise of their legitimate powers the state authorities were supreme, and any encroachment upon their spheres by the United States was an unwarrantable usurpation. But to call either the state authorities or the people of any state an independent sovereignty, in the true sense of the word, was unquestionably a misnomer; for neither the state governments nor the people of the states had the right to declare war, make peace, form alliances, regulate foreign commerce, keep an army, or build a navy, all of which powers were essential to sovereignty.¹

¹ *Mountaineer*, January 16, April 23, 1830.

At one period in the history of our country, said the Union men, the states were independent sovereignties. This was immediately after their separation from the British crown and before the adoption of the Articles of Confederation. Then each state had the power to do what it pleased and was under the control of no authority. It could declare war, make peace, and enter into treaties of alliance. But on the adoption of the Articles, and still more on the adoption of the federal Constitution, the states had yielded up a large portion of their sovereignty for the purpose of forming a government which should be able to protect and defend their rights. They from that time on ceased to be sovereign. They were from then on unknown among the nations of the earth. The states might properly be called sovereigns in the exercise of their reserved rights, but to apply the term any further was a misnomer.

The consolidation of all power in the general government on the one hand, said the Union men further, and the separation of the several states on the other, would be equally fatal to liberty. There would arise out of the one a despotism which would grind and crush everything to earth; and out of

the other would come confusion, anarchy, and civil war, with a horrible train of calamities. In construing the federal Constitution equal care should be observed to avoid both these issues. An unlimited latitudinarian construction would give rise to the one, and a rigid literal construction, by disarming the national government of its ceded power, would cause the other.

The federal judiciary, to the Union men, was the great arbiter between the national and state governments, and they believed that this tremendous power of settling disputes between these governments could not have been lodged anywhere else with so much propriety. To say that each state had the right, either in convention or in its legislature, to determine on the constitutionality of the proceedings of the general government, would be to place the country in that desperate extremity in which it was under the Articles of Confederation. The power to settle disputes between the general and state governments had to be vested somewhere; it was the intention of the Federal Convention to make the judiciary the interpreter and guardian protector of the Constitution; this intention was clearly and indisputably expressed in the Constitution itself; this

was the sense of all parties at the time of the adoption of that social compact; the Supreme Court had invariably exercised this power ever since its first establishment; and, consequently, this tribunal was properly the great arbiter in all matters arising between the national and state governments.

The opinions of many national statesmen from the time of the Federal Convention, including many South Carolinians, and the Exposition of 1828 itself, were cited to verify this view. The federal judges were not, as some persons said, the interested creatures of the general government. They were indebted for their appointment to the United States Senate, whose especial care it was to guard the sovereign rights of the states. They held their offices during good behavior and were selected for their talents, learning, and purity of character. Their salaries could not be diminished and they were responsible to Congress for nothing but misdemeanors in office. Such men, under such circumstances, were not easily influenced. But this view was somewhat marred by a willingness to admit that the federal judges were more likely to have a partiality for the national than for the state governments. On the whole, the Union

men were quite as dogmatic about the place occupied by the Supreme Court as were the Nullifiers.

As to the power of nullification vested in a state, whence was it derived? The Unionists answered, Surely not from the federal Constitution itself. There was nothing in that compact which would warrant such a deduction. Some of the Nullifiers, however, averred that it was derived from the very nature of an agreement entered into by independent sovereignties. But the Union men did not think so. It appeared to them utterly impossible, from the nature of the federal Constitution, that such a power should inhere in the states. They could not conceive how the right of nullification could be exercised compatibly with the principle of the Union.

If to each state were given the power of deciding on the constitutionality of the proceedings of the general government, where would be the bond of union? Would it not have been always discretionary with the states whether they would submit to an act of Congress or put their veto upon it? What obligation or compulsion would they be under to be governed by a law of the United States? None, answered the Union men, save their own arbitrary will or pleasure. If a measure

of the general government were unacceptable to any one state, she would have nothing to do but to pronounce it unconstitutional and by this means get rid of it. It was no argument to say that some laws could not be called unconstitutional; for men when prompted by passion and interest would see everything through jaundiced eyes. The plainest and most positive gifts of power would be doubted and misunderstood. It seemed to the Union men beyond the possibility of a doubt that this power of nullification would make for an infinitely weaker government than that which had existed under the Articles of Confederation. The only parallel for such a union was to be found in this country during the Revolutionary war. Then the states were bound by no confederation save that of mutual interest and common danger.

They were told, however, that there was a possible check on this veto of the states. When an act of Congress had been declared unconstitutional, an appeal might be carried from this decision of one state to a convention of all the states. If three-fourths of the states should concur in upholding it as constitutional, then it must become a law, and the state pronouncing it unconstitutional would be forced to submit. Thus, it seemed, the

whole machinery of government was to stop until a federal convention could be called.

Suppose war were declared and the little state of Rhode Island, seeing that her commerce was about to be cut off and ruined thereby, should say the war was unconstitutional and put her veto on it; this would end the matter until a convention could be called. In the meantime the enemy would be free to range the country and to leave it when he saw fit. The friends of nullification might suppose, however, that a generous foe would wait until the federal convention could settle the constitutionality of the war. But if the votes of three-fourths of the states could not be obtained in favor of the war, the government would have to surrender at discretion to the enemy. The Union men doubted very much whether this would not have been found literally true during the War of 1812 when the Hartford Convention assembled. At that time one-fourth of the states were opposed to the war and could have put an end to it. It could not be said that a division of opinion could never arise as to so plain a matter as the legality of a war, said the Union men, for the people of New England would no doubt have raised that very question during the War of 1812 if they

had properly understood and believed in the powers of nullification.¹

The opponents of nullification asked if that system of checks would not put it in the power of any one state to force the government to call a convention, and if this were true under the doctrine, as they understood it to be, whence was the power derived? Did not the Constitution say that two-thirds of the states were required to call a convention? Yet by the nullification doctrine one state was given the right of exercising this important power, which the framers of the Constitution were unwilling a majority of the states should possess. Was not this an open, palpable, and dangerous infraction of the federal compact? Furthermore, asked the Union men, where was the clause of the Constitution which conferred the power of construing that instrument upon three-fourths of the states? They knew very well that this number had the right to make amendments to the federal Constitution, but they believed that

¹ Professor F. M. Anderson in "A Forgotten Phase of the New England Opposition to the War of 1812" printed in the *Proceedings of the Mississippi Valley Historical Association*, Vol. VI, says that, though neither the word "nullification" nor "secession" was used by the New Englanders, yet practically all of the elements of those doctrines as later championed by Calhoun were presented.

there was a great difference between construing an old compact and making a new one.¹ Surely a smaller number should be allowed to construe an agreement than was required to make an entirely new one. If three-fourths of the contracting parties must concur in every construction of their compact, would it not, in all probability, remain forever a dead letter? Would it ever be construed at all? Could so large a number agree in drawing any power from it when their interests clashed?

The friends of nullification might say what they pleased, but the exercise of this veto power by the states, with the right of an appeal to a federal convention, was nothing more nor less than taking all power out of the hands of the majority and putting it into those of the minority. It was in fact the establishment of an aristocracy of the very worst kind. The majority, indeed almost three-fourths of the people, would be governed by one-fourth. If this, the Union men felt, were consistent with the true principles of a republican government, if it were not the commencement

¹ The Eleventh Amendment to the Constitution was merely a construing of the old compact, an interpretative dictate as to its construction.

of a vile aristocracy, which must end in anarchy, then they knew nothing about the nature and theory of government. If the majority were unworthy of being intrusted with power, the minority were more so, and consequently they had better "petition the Almighty, as the children of Israel did in olden times," to give them a king, who might rule them in peace and head their armies in war.

If this nullification construction of the Constitution should ever prevail there would have to be a federal convention in constant session, and the whole country would remain in a revolutionary state. There could be nothing like fixed and settled principles of government, but the people would have to be always making new constitutions and destroying old ones by negative votes. For instance, suppose South Carolina declared an act of Congress void and it went to a convention of the states; suppose a vote of three-fourths of the states could not be obtained in favor of the law; there would be the end of it. If a one-fourth vote could be obtained against a law, it would be void. Thus the power of legislation as well as that of making and construing the Constitution would be vested in no less a number

than three-fourths of the states. If this ever came to pass, the Union men cared not how soon a dissolution of the Union might follow, for they too held it to be the right of a people to revolutionize their government when evils were insufferable.

Some of the Union men agreed that when they could be made to perceive any, even a metaphysical, distinction between nullifying a statute of the United States and absolute rebellion, they would take a stand that moment for nullification, for South Carolina had suffered under an unrighteous legislation on the part of Congress long enough and severely enough to warrant any step on her part short of severance of the Union. But, "with all proper deference to others," they looked upon such a thing as constitutional nullification as "very much of a downright absurdity." That South Carolina, like every other state in the Union, had a "perfect right to resolve herself into her original elements," no person could deny; she had the right at any moment to secede from the Union, and they would leave the question open whether the oppressions that had been heaped upon her had not become sufficiently intolerable to justify her in such a step; but it "sickened"

them to hear so much of her right to do so and still remain a component portion of the confederacy. The act itself was revolution, and she must either conquer or be conquered by the Union; or the Union must peaceably acquiesce in the separation, and the state must become an independent and disconnected sovereignty.

If the "good people of South Carolina" had made up their minds that the time had arrived when the Union was in point of fact of no "value"; that actual separation and war were preferable to any further endurance of congressional usurpation and injustice; then let them so declare themselves and act accordingly. The Union men pledged themselves to sink or swim in the storm with the people of the state, but they insisted that the people exercise no self-deception about it. Let things be called by their true names and followed out to their legitimate consequences. It would be worse than idle to argue that such an act was anything but revolution.¹

¹ This summary of the Union position is taken from various articles, communications, and editorials in the *Greenville Mountaineer*, the *Camden Journal*, the *Charleston Courier*, the *Charleston Gazette*, and the *Charleston Southern Patriot*. Good examples of these may be found in the *Journal*, July 3, and the *Mountaineer*, February 27 and April 3, 1830.

At the same time that such sentiments were expressed, the people of the North were warned not to be deceived into thinking that the people of the South and of South Carolina who opposed the tariff were but a paltry few, "a desperate and unprincipled faction, a small number of noisy and restless demagogues"; instead of a faction, it was "the whole people arrayed against federal usurpations." One Union editor believed that there were not 150 individuals in South Carolina, outside of Charleston, who did not deprecate the tariff system as unjust, unequal, and oppressive.¹

The *Columbia Times* editors showed themselves to be heartily with the South, but at the same time professed to love and venerate the Union, to have a "holy, all but superstitious reverence" for it, and to believe that most of the people felt the same way. They asserted that South Carolina did not aim at disunion; yet merely to arouse attention, they said, they believed in talking about disunion, and opened their columns to writers who tried to show that the South had all the resources necessary to resist invasion by the North, and to support a government when separate. The position this sheet now consistently held was

¹ *Journal*, August 7, 1830.

that though disunion was not desired, the people were nevertheless prepared to stick to their principles even to that end, if necessary; the talk about disunion was to be used only to show that if the oppression did not cease, and if in fact it became unbearable, there was an alternative, however much it was dreaded.¹

The *Charleston Gazette* objected *in toto* to discussions of this nature as idle, mischievous, and pregnant with the most fatal consequences; for, "when men desperate in fortune, surveying from a precipice with indifferent eyes the extended chasm below them, begin to argue with themselves the possibilities of surviving a leap into its bosom, it is but a slight transition indeed from the speculation to the actual experiment." This editor took an interesting fatalistic view of the South's position. He thought the tariff oppressive, unconstitutional so, and held that the practice of the government was oppressive to the South in many particulars; but he did not believe that any change in those measures then supposed to bear directly and heavily upon the South would tend very greatly to its relief. The evils of the condition of those living in this section of

¹ *Times*, January 29, February 8, March 1, 1830.

the country arose from their unequal representation, which failed to present to the rapacities of others, not otherwise restrained, any bulwark of sufficient importance to secure them a proper consideration and the equal justice due them in common with their brethren, North, East, and West. Even separated from the rest of the Union, standing alone among the distinct and divided sovereignties of the land, the South would be worse off, less secure, a prey to more powerful neighbors. The South, as the weaker section, was laboring under a great disadvantage, but inevitably so, and should not chance a worse condition.¹

The *Pendleton Messenger* at this time took no decided stand, but presented both sides of the question. Its editor's course may be cited as an example of unusual open-mindedness. He kept his columns open neutrally, and himself took no decided stand until he became thoroughly convinced by arguments and events. In 1831 he became a vigorous advocate of nullification. This was typical of the course of many individuals, as the toasts at Fourth of July celebrations showed.²

¹ *Gazette*, June 16, 1830; the *Pendleton Messenger*, March 31, copied an article from the *Gazette*.

² *Messenger*, June 9, July 7, 28, 1830.

The *Charleston Courier* bristled with articles and editorials against the nullification doctrine, and the *Charleston City Gazette*, the *Charleston Southern Patriot*, and the *Camden Journal* kept up an intermittent fire against the heresy.¹

Excitement was so intense that prudence could not be assured; men were neglecting their business for politics, and boys were being reared as professional politicians.² The result was that the press articles did not always maintain a dignified tone nor rely only upon sound argument, but recrimination was common on both sides. The advocates of nullification, the leaders of the "unholy crusade," were said to be only some six or seven lawyers and one associate judge, headed by Dr. Thomas Cooper, president of South Carolina College. The author of the statement to this effect said that he knew not a solitary instance of a planter, merchant, or mechanic who had harangued and urged the people on to disunion. He had considered the leading districts

¹ Typical examples are found in the *Courier*, March 24, 31, May 12, June 10, 21, July 19, August 16, 1830; *Gazette*, June 21, July 7, September, and October; *Patriot*, June 28, July 27, September 8; *Journal*, August 28, July 3, 24.

² Joel R. Poinsett Papers: Joseph Johnson to Poinsett, July 17, 1830. *Gazette*, April 7, July 7.

one by one, and had concluded that in each case lawyers were the stump orators of the Disunionists.¹

“Anti-Nullification” wrote in May² that an almost impassable gulf divided the matter-of-fact business men from the theoretical speculators on the affairs of men—of which they knew little or nothing—who affected a pride, with a flourish of guns, trumpets, and thunder, in ranking themselves under the destructive banner of nullification. The first, the matter-of-fact men, asserted, with ample means to prove it, that business in Charleston had rarely been more vigorous than now. The second, the “Nullifiers,” asserted, without proof, that everything was “dead or dying, and fast mouldering into insignificance.” The writer said he had just returned to the city after an absence of several years and found that the matter-of-fact men were nearer the truth. But he said that the trade of the city could be made much greater if its citizens were to take pains to develop direct trade with Europe. What the people needed was to think more of improving

¹ “A Native of Chesterfield District,” in the *Courier*, September 7, 1830. Compare with above, p. 55.

² *Courier*, May 12, 1830.

trading facilities and commercial conditions generally, and less about tariff and anti-tariff.

Another writer¹ maintained that the disciples of disunion were generally young men, particularly young men whose families had once been wealthy but had been reduced, by the silent but powerful effect of the statute on the equal distribution of estates, to the alternative of active industry or positive want.

A leading Union editor said that the howlings of many of the publications, in different parts of the state, about the American system, internal improvements, tariff, and northern manufactures ought to be regarded as a mere hoax, trumped up by a few artful, designing, though disappointed politicians, who were willing to sacrifice the interests of their fellow-citizens and to jeopardize the state for the sake of their own personal aggrandizement, "to gratify an unhallowed ambition, a fiendish lust of power."² With the exception of John C. Calhoun and a few others, the Nullifiers did rely more on bombast and appeals to the emotions than upon sound reasoning. As yet, however, Calhoun had no prominent place in the nullification campaign.

¹ *Courier*, March 24, 1830.

² *Courier*, October 12, 1830.

The use of harsh words was not confined to one side. The opponents of nullification were accused of being "Submission men," ready to yield any and everything to the central government; their party was tauntingly referred to as the Submission party, and the members of it as "cowards," "recreants," "tories," "Yankee party of Charleston," "federalists," and "luke-warm politicians." They were said to be "Clay men," and that was about the worst thing that could be said of a South Carolinian.¹ Some editors there were who were more magnanimous, and, though they themselves took more or less of a partisan view, credited both sides with honest motives.²

For a time the Nullifiers claimed to have President Jackson on their side in this discussion; but after the Jefferson celebration in Washington in the spring of 1830, when he gave the toast: "The federal Union—it must be preserved," both factions boasted of his support. The interpretations of this toast varied greatly, with the result that even late in the year there was much uncertainty as to just where he stood. To this

¹ *Courier*, August 25, September 17, October 9, 1830; *Mountaineer*, September 24; *Patriot*, July 27; *Journal*, August 7.

² *Mountaineer*, July 16, 1830; *Messenger*, July 21.

toast the *Mercury* said "Amen," observing that there was but one way to preserve the Union, and that was to induce the majority to respect the rights and feelings of the minority; or, in other words, to induce the North and East to repeal or modify the "iniquitous measures by which the South" was "impoverished and enslaved." That the President alluded to this way was too evident to admit of the shadow of a doubt, said the Nullifiers, and to them appeared most ridiculous the interpretation of such papers as the *National Intelligencer*, with which the *Courier* agreed, that in view of the speeches which had preceded Jackson's toast it meant: "You may complain of the tariff, and perhaps with reason; but so long as it is the law, it shall as certainly be maintained as that my name is Andrew Jackson." The *Mountaineer* took the toast as a plain threat that any hostile feeling in any part of the country toward the Union must and should be put down; that the Union would be preserved at all hazards.¹

¹ *Mercury*, April 24, 27, 1830; *Courier*, April 26; *Mountaineer*, May 7.

CHAPTER III

THE FIRST TEST OF STRENGTH (1830-31)

At various times early in 1830 a state convention had been suggested. Its advocates gradually gained in number, until in May it bade fair to become the main issue. A number of Charleston citizens, though they were opposed to the tariff, raised an objection to a convention, thereby evidencing continued disaffection between the upper and lower sections of the state; for the Charlestonians feared that if a convention were called it might not confine itself to the national issue, but might change the legislative representation within the state so as to destroy the weight of the lower country in the legislature.¹ This raised the question whether a convention could be restricted to the consideration of specific subjects. To this was soon added the query whether a convention's action upon federal relations could be dictated, or whether the alternative between nullification and secession must be left to its discretion. It was replied that the legislature might, in the

¹ *Mercury*, May 15, 1830.

resolution calling a convention, state the reasons why a convention was deemed necessary, but that it had no more right to dictate what should be done than it had to declare itself the master instead of the servant of the people.¹

By July 4 the issue was definitely drawn, and state-wide parties were forming for and against a convention. In many cases, when candidates for the legislature were announced, their position on the question was challenged and the answers became the determining factors in their election.² As an example of the extent to which this was true, the case may be cited in Greenville of three early candidates who indorsed the convention project. But soon the public sentiment in the district was seen to be so preponderantly hostile to it that these three withdrew from the race. They were men high in public esteem, however, and the proposal was made that they be elected under instructions and pledges against a convention. But the candidates, saying that they

¹ *Mountaineer*, June 4, 1830; *Messenger*, September 8.

² Hammond Papers: L. P. Saxon to Hammond, July 6, 1830; J. H. Irby to Hammond, July 5; T. T. Player to Hammond, July 10; B. M. Pearson to Hammond, July 13; B. F. Whitner to Hammond, September 11. *Mercury*, July 17, August 13, September 24, 1830; *Times*, August 9, 26; *Messenger*, August 18; *Mountaineer*, May 21.

would be embarrassed by such election under the existing circumstances, declined the honor.¹

In some places, however, the line of division was simply between Unionism and Nullification, apparently with the tacit understanding that all Unionists would oppose and all Nullifiers support a convention; but as the campaign progressed, the convention issue became confused in many parts of the state and did not mark a clear line of division between the two parties. Politics became the great business of life in many sections; the excitement was so great that not only the candidates, but many of the active partisans on both sides, spent their whole time in electioneering.²

The greatest obstacle the advocates of a convention had to overcome was the apprehension

¹ *Times*, August 16, 1830; *Mountaineer*, August 6. In this same district the adherents of the "Non-Convention party" soon began to feel their power and to glory in it. They began to talk of running a man for Congress in opposition to Warren R. Davis, because he had spoken for a convention. The *Mountaineer* tried to discourage this because it would be an unjust merger of two distinct matters; the delegate to Congress could have nothing to do with the question of a state convention. Davis had been a very able and fearless supporter of true southern policy in Congress, and to throw him out would be foolish.

² Hammond Papers: D. L. Wardlaw to Hammond, July 24, 1830.

that disunion, civil war, and bloodshed must be the consequences of their proposal. The convention advocates endeavored in diverse ways to overcome this. Some stressed the hopelessness of reliance upon Jackson for redress; some pointed to the folly of further patience and forbearance; some explained away the prospect of strife, simply in order to win convention supporters, while others honestly believed that a convention would adopt only peaceable measures; others, after belittling the fears as to the outcome of a conflict, delivered outright "war" toasts and speeches.¹ In many places the Conventionists asserted that their candidates would favor not only a convention, but with it "strong measures."²

¹ Hammond Papers: T. T. Player to Hammond, July 10, 1830. *Times*, August 26, September 9; *Messenger*, August 18; *Mountaineer*, August 13, in a letter by W. R. Davis.

² Hammond Papers: B. M. Pearson to Hammond, July 13, 1830. This campaign of education carried on by the convention advocates and the fears they had to overcome are clearly shown by a letter from Benjamin F. Whitner to Hammond, telling of the condition in Chester (Hammond Papers: Whitner to Hammond, September 11, 1830). Whitner said in part: ". . . . I have had repeated conversations with many of the plain but intelligent farmers with whom business has brought me in contact, and I find the apprehension universal that the friends of convention do not propose it as a peaceful remedy. But in every instance where I had an opportunity to explain and illustrate the right of the state to this exercise of

On September 20, a so-called State Rights meeting, promoted by the convention advocates, was held at Columbia. Though largely composed of men from the immediate vicinity, it was to some extent a general convention of the interior. Many prominent men spoke and many others sent letters. The great majority of these not only favored a convention, but openly declared for state action, immediate and decisive, though Judge Langdon Cheves demanded instead a sovereignty—to distinguish between the constitutional resistance of the people to an unconstitutional law and their rebellion against an oppressive law, but one which Congress have the right to pass—I have found the people in favor of convention. They can scarcely believe that so much clamor could be raised against convention if by it the people are only to do in an aggregate capacity what they all do now individually—that is, assert the law to be unconstitutional and endeavor to devise the best mode of ridding themselves of it. And although I think it extremely doubtful whether the question of convention will be carried, I have not the least question that but for the false alarm that has been so industriously excited through the country, the general voice would call for it almost unanimously.

“I am glad to hear a great many of the yeomanry speak of attending the meeting in Columbia on the 20th. [Referred to below.] And I do hope that those who may figure as public speakers on that occasion may be conciliating and plain, stir up no angry passions, nor excite prejudice and ill will by aspersing the motives and questioning the patriotism of those who differ with them [and] who are timid and slow to adopt any course that may unnecessarily jeopardize the peace and union of the states. From such a meeting, so conducted, great good may yet result even in time for the approaching elections. God grant it may.”

program of co-operation with the rest of the South—a program which twenty years later became the platform of the controlling party in the state. Judge J. P. Richardson also spoke strongly against nullification, but Robert Barnwell Smith, who changed his name later to Robert Barnwell Rhett, declared for resistance regardless of any stigma which might be put upon its advocacy. Chancellor William Harper offered a resolution, adopted by a large majority of the two or three thousand present, calling for a state convention. But the reports of the speeches and letters indicate strongly that many who were willing that a convention be called were opposed to nullification.¹

This Columbia meeting was taken as a strong expression from the interior that a convention would be demanded and carried through, even though Charleston were against it, as it then seemed to be.² But it was evident at this time, and became more so as the campaign progressed, that there was no agreement among the Conventionists as to when the convention should meet or what it should do. Some favored its prompt

¹ *Mercury*, September 24, 1830; *Times*, September 23, October 10.

² *Mercury*, September 24, 1830; *Times*, September 2.

assemblage. Others, with Chancellor Harper, thought that since such a course would seem too much like a threat, the convention should meet after the next session of Congress, that is to say, in April or May. He thought the postponement would have a good effect on Congress. As to its purpose, while some thought that the calling of a convention for any other object than that of nullification was idle, others believed that it should initiate measures for co-operation of some sort with the sister states, and should by no means resort to nullification.¹ Among the convention supporters there came to be quite a number of Union men who thought that a convention might be beneficial in showing the North that the opposition was not a mere factious one, and that it could protest against the tariff more effectively than could the legislature, even though its only weapon should be the same—resolutions.²

The Anti-Conventionists were not idle. One of their leading spokesmen maintained that if a convention were called, it would be for the purpose of nullifying an act of Congress, which must either result in disunion or render the federal

¹ *Patriot*, October 13, 1830; *Journal*, December 14.

² *Mountaineer*, September 3, 1830; *Journal*, August 28.

government unworthy of preservation. The people should know this and determine for themselves. If, knowing it, they declared for a convention, then every citizen should abide by the decision and support its policy to the end. But he believed that it was too soon to act; South Carolina should wait for the return of good sense to the American people, which must come soon.¹ If, however, the state were resolved to act, it should do so openly and boldly, without any attempt to shield itself behind metaphysical constructions of the Constitution.²

It goes without saying that all supporters of the tariff in South Carolina were against a convention.

¹ *Mountaineer*, May 21, November 12, 1830; *Courier*, November 12. Judge William Smith was another holding this view—against a convention because the tariff and internal improvement systems were fast crumbling away and would soon be demolished.

² The editor of the *Camden Journal* claimed just before the election that the Convention party would not number more than fifty out of 800 voters in the district and that there were not ten in the town. "But," he added, "there is not one 'submission' man" in the district. The editor of the *Columbia Times and Gazette* asked: "If you are opposed to a convention and yet not for giving up, pray what remedy do you propose?" The *Journal* editor answered that he was for resistance in every constitutional way, by the use of moral force, of reason and argument, to the point where shown useless, and then for a convention to withdraw from the confederacy. The *Times* editor then answered that if the *Journal* editor could show that nullification would produce disunion or civil war, the *Times* would abandon the doctrine at once (*Times*, October 11, 21, 25, 1830).

The most formidable group of all these was in Charleston, but there were a few scattered through the interior of the state, some of whom were newcomers from the North and were not allowed to forget it. Some were shopkeepers who were said by their critics to have been "misled by the artful sophistry about prices which the Yankee wholesale dealers in Charleston and elsewhere" were always passing along with their commodities; and a few were substantial farmers who had "taken *Niles' Register* until their faculties" were "all bewildered."¹

But by far the greater number of those opposed to a convention were men who hated the tariff but loved the Union and South Carolina enough to wish to avoid any measure which might endanger either. They believed that if a convention were called, it must, as Judge William Harper said, if it acted at all, nullify the laws of Congress; they quoted Colonel William Drayton to the effect that nullification meant disunion, and Langdon Cheves's opinion that a convention must assume "revolutionary vigor." All this, they said, meant that South Carolina was to revolt alone against the United States; this would be

¹ Hammond Papers: D. L. Wardlaw to Hammond, July 24, 1830.

treason and would be treated as such. Furthermore, if the Union were saved in spite of South Carolina's folly, as would probably be the case, the state would suffer. Nullification undertaken by South Carolina would result as the revocation of the Edict of Nantes had done in France—it would cause the emigration of a large part of all classes of the population.¹ Some there were, too, who took sides merely from the habit of opposition to rivals who now happened to have declared themselves on the other side.

The man who was looked upon as the logical organizer of the Union or Anti-Convention party was Joel R. Poinsett. He had just returned from a mission to Mexico and was finishing his business in Washington and Philadelphia in July, when he was urged to return to South Carolina to help the Unionists, whose cause needed careful and judicious management.² When Poinsett arrived in Columbia he found there some old and valued friends, who, though opposed to the nullification doctrine, regarded opposition as hopeless against such an array as had declared themselves for nullification; and he found the same views

¹ *Courier*, September 21, October 8, 1830.

² Poinsett Papers: Joseph Johnson to Poinsett, July 17, 1830.

among the Unionists in Charleston. But after frequent conferences, Daniel E. Huger, James L. Petigru, James R. Pringle, Joseph Johnson, and others, as well as Poinsett, resolved at all hazards to organize an opposition to the schemes which to their minds promised ruinous consequences.¹ The work of organization was also materially promoted by Colonel William Drayton.² The Union party organization did not become effective, however, until their opponents had long been at work, and at no time did they feel confident of victory. Many, indeed, felt that the nullification disaffection had gained such a start that it would sweep over the state like an epidemic, a "terrible fever."³ These were happily surprised at the results of the elections in October.

In Charleston the city election came the first week in September, and served as a preliminary test of strength; for although this question of state policy had no actual bearing upon the functions of city officers, it was made the issue of the campaign. There were to be chosen an intendant (mayor) and twelve wardens (aldermen).

¹ Poinsett Papers: Poinsett to Jackson, October 23, 1830.

² Poinsett Papers: Drayton to Poinsett, December 20, 1830, shows the extreme prejudices against which the Union party had to work.

³ *Mountaineer*, September 3, 1830.

Henry L. Pinckney headed the ticket of the State Rights and Jackson party, as the Nullifiers called themselves. In its declaration of principles their organization denied the disunion charge, and, though not specific as to a program, asserted that the Union and the Constitution would be safe.¹ The opposing ticket was headed by James R. Pringle. The men of this party also claimed to be a Jackson party, and called themselves the State Rights and Union party. They were for state sovereignty as they interpreted it, but opposed to the calling of a convention, nullification, and to disunion.

While the election was close, the entire Union ticket was elected. Although the Union party had been referred to by their opponents as the "regular Adams and Clay and Tariff" party, they pointed out after the election that the result must not be interpreted to mean that Charleston was any more disposed than she ever had been to tolerate the "Protecting System." The result at the polls was interpreted as merely an expression of the majority in the city against a convention.²

¹ *Mercury*, August 30, 1830.

² *Gazette*, September 7, 1830; *Patriot*, September 7; *Courier*, September 7.

The State Rights party immediately held a rally in the form of a subscription supper with a business meeting added. Some six or seven hundred were present. This meeting adopted an address to the people to explain the defeat of the party. It was due in large part, they said, to what they called the false charge that they would involve the state in war, which had turned the bankers and merchants against them. They declared that they would not give up, but had just begun to fight; and they were confident that the state could be carried for the convention even without St. Philip's and St. Michael's.¹

The election for state representatives and senators came on October 11 and 12. The Union party had come out openly against a convention, but even up to the time of the election the adherents of the State Rights party in Charleston, or at least their paper, the *Mercury*, had not openly declared for a convention. Their policy, softened by their recent defeat, was, as the *Courier* put it, to leave "their flag white, to be painted by the Columbia artists." By this concealment of their motives they hoped to gain votes, and they persuaded three of the Union party's nominees to let

¹ *Mercury*, September 11, 24, 1830; *Times*, September 2, 16.

their names be placed also on the State Rights ticket.¹

There was to be elected at this time also a member of Congress from the Charleston district. William Drayton, the candidate of the Union party, was unopposed. A writer in the *Courier* remarked upon the humor of the situation which forced the *Mercury* and its followers to make the best of Colonel Drayton's candidacy, and to pretend to honor and admire him, when in reality they honored him as much as Shylock did Portia.²

The candidates for the state Senate were Richard Cunningham on the State Rights ticket and James L. Petigru in opposition. The former was elected by the small majority of twenty-five. The State Rights party tried to make much of this, but its opponents pointed out that Cunningham could not have been elected over Petigru if he had not assured his supporters that he was against nullification and a convention. Perhaps they hoped to be able to change his position after electing him.³

¹ *Courier*, October 1, 2, 1830; *Journal*, October 23.

² *Courier*, October 2, 9, 1830.

³ The vote stood 1,268 to 1,243. *Mercury*, October 15, 1830; *Courier*, October 16. Poinsett Papers: a letter with this notation upon it: "Confidential—copy of a letter from a Gentleman dated Charleston, October 15, 1830."

Of the sixteen state representatives elected in Charleston, eleven were Union men and five were State Rights men, though three of the former were also on the State Rights ticket. Of the five State Rights men elected, only three were said to be Nullifiers. Taking the average of the Union candidates, the vote was 1,261, and for the State Rights candidates, 1,245. The excitement over the election is shown by the fact that a much greater vote was polled than at any other election which had ever been held in Charleston.¹

As returns came in from the rest of the state, the papers published such conflicting statements of the probable stand the members-elect would take on the convention question, that the *Camden Journal* rightly concluded, after having contemplated publishing an analysis of its own, that it was impossible even to approach accuracy.

¹ *Mercury*, October 15, 1830; *Gazette*, October 15; *Courier*, October 14, 15. The vote polled in various preceding years was as follows: 1812, 1,942; 1814, 2,003; 1816, 1,812; 1818, 1,991; 1820, 2,125; 1822, 2,020; 1824, 2,061; 1826, 2,089; 1828, 2,067; 1830, 2,575. Before the legislative session closed a new member had to be elected from Charleston to fill the place left by Hugh S. Legaré, who became Attorney-General. At this extra election Petigru was elected over Laurens, a State Rights man, by 1,266 to 1,041 (*Mercury*, December 16; *Courier*, December 20).

The only true list, it said, would come with the record of a definite vote in the legislature.¹ Although in midsummer the issue in regard to the calling of a convention seemed in most sections to be clearly drawn between the Nullifiers and the Unionists, as the campaign progressed the supporters and opposers of a convention did not divide uniformly along the Union party and State Rights party lines.

When the legislature assembled, the two parties, after some preliminary skirmishing over the election of speaker and governor, devoted themselves to a general debate upon the convention project and the nullification doctrine.² The personal alignment upon the two issues was not identical, for while some Conventionists were not Nullifiers, some Nullifiers desired a different mode of procedure than a state convention. The concrete question voted upon, however, was that of ordering

¹ *Times*, November 11, 1830; *Mountaineer*, November 19; *Journal*, November 20.

² The State Rights party soon elected Henry L. Pinckney to be speaker of the House, 63 to 31, and later elected James Hamilton, Jr., governor, over Richard I. Manning, 93 to 67 (joint ballot). Clearly they had a majority, but the necessary two-thirds was doubtful (*Messenger*, December 1, 1830; *Courier*, December 13; *Times*, December 10, 23).

a convention.¹ When the ballots were taken the results were: in the Senate, 23 for and 18 against a convention; in the House, 60 for and 56 against.² The Convention party thus had a majority but not the constitutional two-thirds. Its cause was for this time defeated. The Conventionists solaced themselves, however, by carrying through a set of resolutions.

The first three proclaimed the state's intention to defend the Constitution of the United States, and her attachment to the Union; they asserted that the power of the federal government was limited by the "plain sense and intention" of the Constitution, and that in case of "deliberate and palpable and dangerous exercise of powers not granted in the Constitution" the states were "in duty bound to interpose, to arrest the evil"; these resolutions were approved unanimously.³ Thereupon Daniel E. Huger moved a resolution

¹ *Courier*, December 15, 1830. Chief among those who spoke for a convention were W. R. Hill, William C. Preston, Thomas English, A. P. Butler, Henry L. Pinckney, T. T. Player, B. F. Dunkin, F. W. Pickens, and Alfred Huger. Those who opposed it were D. E. Huger, J. P. Richardson, J. J. Presley, William McWillie, and Thomas Williams.

² *Mountaineer*, December 24, 1830; *Courier*, December 20; *Mercury*, December 22.

³ *Messenger*, December 29, 1830.

that the legislature did not recognize as constitutional the right of an individual state to nullify or arrest a law passed by Congress, but this was rejected by a large majority.

The fourth resolution asserted that the general government was not one of unlimited powers to which the states must submit, but one of special powers delegated by the states; that all other powers were reserved to the states, and that any exercise of undelegated powers was unconstitutional; that the general government was not judge of its powers, but that "each party" to the compact had an equal right to judge for itself "as well of infractions as of the mode and measure of redress." This was carried by a vote of 93 to 31. The fifth resolution declared that the general government had shown a tendency to expand some of its powers to a degree destructive of the republican system and creative of an unlimited and absolute government; and this was carried by a vote of 103 to 9. The sixth asserted that the tariff acts were violations of the compact, and that a state, whenever other hope of redress was gone, might properly "interpose in its sovereign capacity, for the purpose of arresting the progress of the evil occasioned by the said

unconstitutional acts.” This was adopted by a vote of 90 to 24.

The fourth and sixth resolutions were the ones in which the State Rights men took greatest comfort.¹ Although they were not able to get a convention, they had persuaded the legislature to assert in formal resolutions what they claimed to be the doctrine of nullification. This was at least a positive step in advance of the legislative proceedings of 1828.

The Union men now insisted that their victory did not mean that submission was to be the program of the state. They rejoiced that the crude, half-way measure of a convention had failed, and with it an attempt at nullification, which its originators had endeavored to present in such a way as to avoid the responsibilities which might logically be expected to result from its adoption. The Union men now professed themselves ready to adopt any plan by which the South might be relieved, in a way constitutional and expedient, from all or any of the burdens which it was thought she bore. They had simply shown that they would not be driven by excitement to embark upon unknown seas, under the command of Turn-

¹ *Times*, December 17, 23, 1830; *Messenger*, January 5, 1831.

bulls, Coopers, and other "demagogues and agitators."¹

Plots of the votes in the legislature on the convention question, especially that of the Senate, show that most of the votes against the convention project came from the upper districts and from a few of the parishes near Charleston.² The interior districts which were opposed were in most cases those where the slave population had not yet reached 50 per cent of the total population.³

¹ *Gazette*, December 30, 1830.

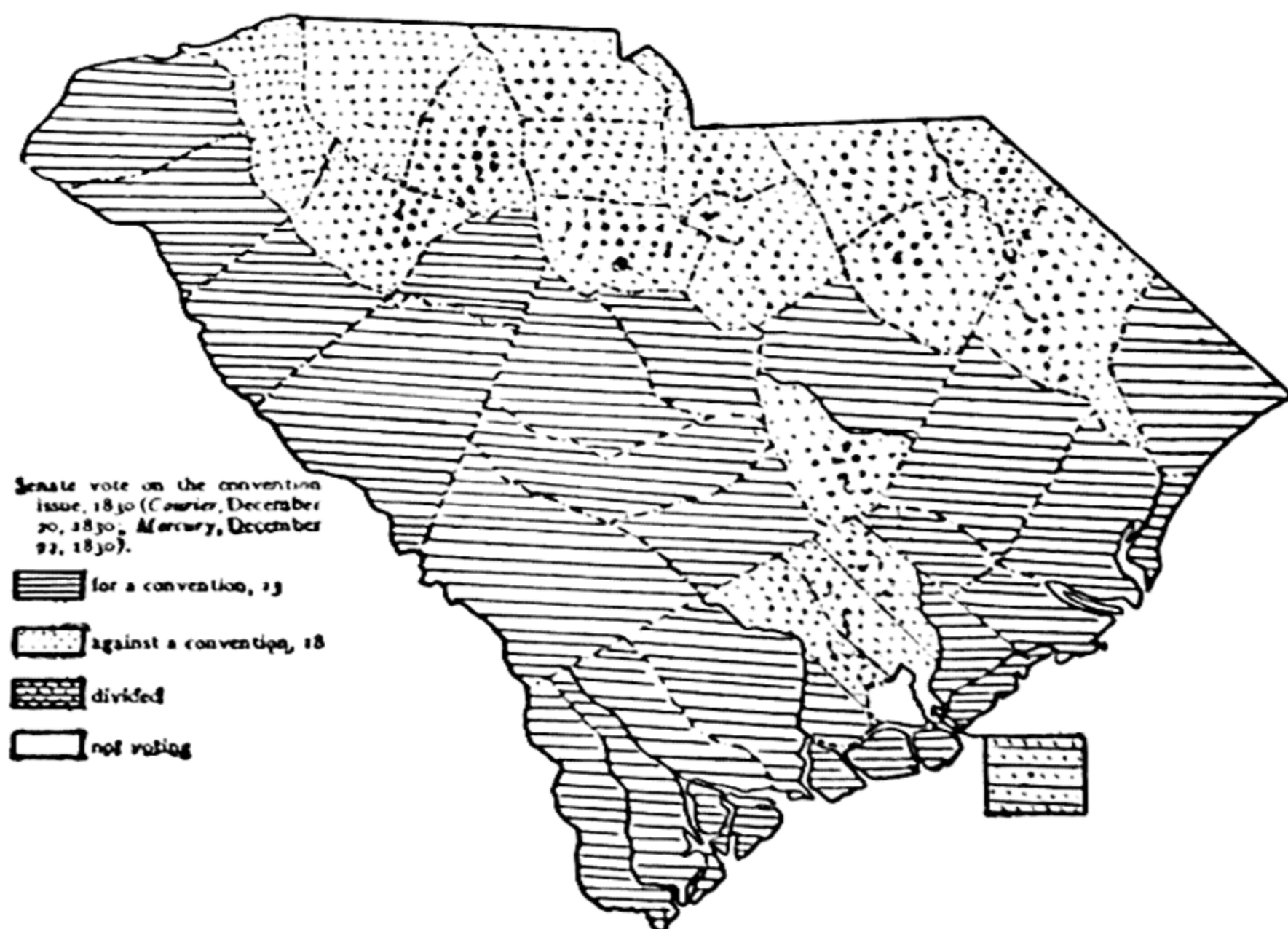
² See Maps II and III.

³ In looking over a series of maps (of which those printed in this volume are but a fraction) showing the geographical location of the centers of support of the two parties, one notices that the northern counties tended to vote consistently with the Union party, and that in general those counties which opposed the things for which the State Rights party stood were those in which the introduction of the institution of slavery had made least progress.

The negro population had reached 50 per cent of the total population in Beaufort, Colleton, Charleston, Williamsburg, and Georgetown by 1790; in Sumter and Richland by 1800; in Orangeburg and Kershaw by 1810; in Marlboro by 1820; in Darlington, Fairfield, and Newberry by 1830; in Barnwell, Edgefield, and Abbeville by 1840; in Chester, Union, and Laurens by 1850; it had not reached 50 per cent in Horry, Marion, Chesterfield, Lancaster, York, Spartanburg, Greenville, Pendleton, and Lexington by 1850.

In the maps published in this volume the districts indicated by dots were those in which a majority of the people opposed the Nullifiers, while the districts indicated by straight lines were those in which a majority voted with the Nullifiers.

The net result of the contest in the legislature was that the State Rights party was obliged to bide its time once more.¹ During the early months of 1831 the papers simply watched Congress and exploited any indications of a hostility



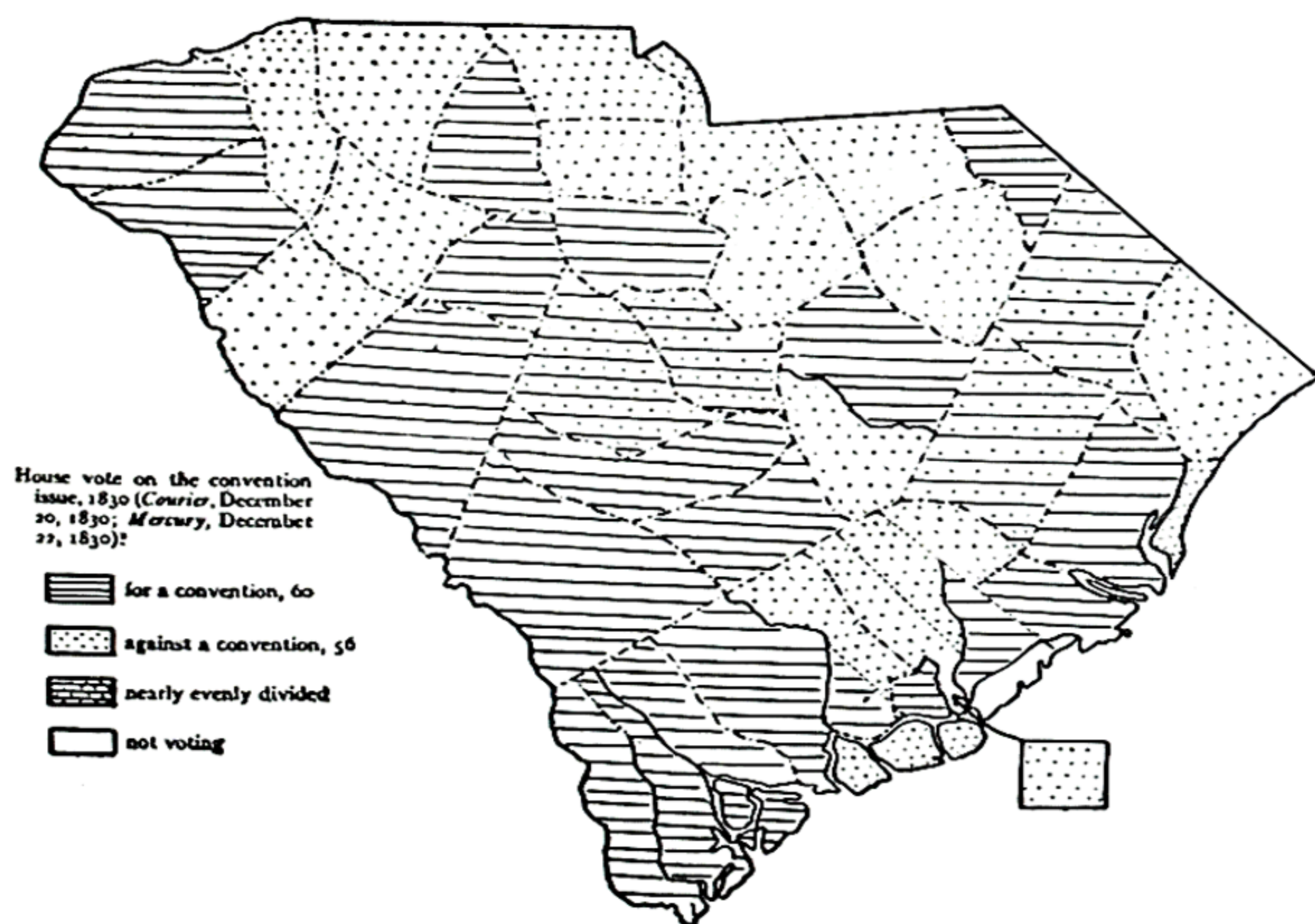
MAP II.—Senate vote on state convention, 1830

to tariff reduction. They discussed nullification or convention hardly at all, but seemed to think it necessary to go back to a more primary step in the education of the people and go over again all the old arguments against the tariff. They urged

¹ Hammond Papers: J. Hamilton to Hammond, February 5, 1831.

state action occasionally, when they believed they could point to something of striking value to show the folly of expecting anything from Congress.

Early in the session a letter from a South Carolina congressman¹ was published to prove that the



MAP III.—House vote on state convention, 1830

tariff supporters were “feeling power and forgetting right.” Resolutions to inquire into the expediency of reducing various duties were rejected by large votes. This was especially galling

¹ *Mercury*, January 21, 1831; letter by Warren R. Davis, December 13, 1830.

because the resolutions were merely for inquiry, and ordinarily such resolutions were never refused unless the subject-matter was offensive to the House. This was taken to show that Congress intended that the protective policy should be the settled policy of the country and no longer open to discussion. Surely, it was argued, this should be lesson enough for even that class in the community who were for hoping, believing, bearing, and forbearing as long as any hope remained.¹

A little later, when Congress did discuss the tariff, and Mallory's report was published, it was referred to by the State Rights party as an avowal by the very leader of the tariff party that protection was the primary object of the law; that the manufacturers would continue to make common cause in support of the system; that the separate items of the tariff would no longer be examined singly, because the system, as some South Carolina statesmen had hoped, might be destroyed that way. Two representatives of South Carolina, James Blair and William T. Nuckolls, who had been opposed to a convention because they had thought the tariff could be reduced piecemeal,

¹ *Mercury*, January 22, 1831; *Congressional Debates*, Vol. VII, pp. 359 and 449.

were now said to be admitting that they had deceived themselves and the people.¹

As the session of Congress progressed, everything available was seized upon by the Nullifiers to show, directly and by implication, that those who had argued that a convention was premature and useless had been in the wrong. Then in May the party speakers at public dinners and barbecues began to come out more openly again and to urge a speedy application of the Carolina doctrines as the only means of relief.²

In the early summer the State Rights papers began to chide the Anti-convention papers for not publishing an amount of anti-tariff material sufficient to prove that they were true South Carolinians.³ It was charged that in combating the nullification doctrine they were allowing themselves to be carried off into the incidental, if not open, support of those very measures against which they had formerly fought. To this the Anti-convention papers answered that there was no need of continuing to print anti-tariff doctrines

¹ *Mercury*, February 5, 17, 1831.

² *Mercury*, March 12, April 13, May 20, 1831; *Messenger*, April 13.

³ The *Banner of the Constitution*, published in Philadelphia by Raguet, was recommended as the best source of anti-tariff material. See *Messenger*, June 8, 1831; *Camden and Lancaster Beacon*, June 21.

which the people of South Carolina already believed in. Three years previously, when there was something like a tariff party in the state, they had published no end of material on the tariff; but now, when some of these papers had scarcely a reader who was a tariff man, it was unnecessary.¹

In July and August there were numerous meetings to appoint delegates to an anti-tariff convention to be held in Philadelphia in September.² The State Rights men, who had now changed the name of their party from the State Rights and Jackson party to the State Rights and Free Trade party,³ were especially active at these meetings. In some of them the Nullifiers and the Anti-nullifiers clashed, although both were opposed to the tariff.⁴ While some of the Union men confessed a lack of faith in this Philadelphia meeting, some of the State Rights men contended that the promptness with which the State Rights and Free Trade party met the overtures and sent delegates showed the falsehood of the charge against them of hostility to the Union; they

¹ *Journal*, June 18, 1831; *Mountaineer*, August 27.

² *Messenger*, July 27, 1831.

³ See below, p. 153.

⁴ *Journal*, July and August, 1831; *Camden and Lancaster Beacon*, September 6, 7.

desired to promote every measure which promised to "bring their tariff brethren to a sense of justice, and only in the last resort to interpose the sovereignty of the state" in protection of her citizens.¹

The Philadelphia convention held sessions from September 30 to October 6 and was attended by about two hundred delegates from fifteen states. Virginia was first and South Carolina second in number of delegates in attendance, and a South Carolinian, Warren R. Davis, was given credit for having promoted the convention. A memorial against the tariff was sent to Congress, but, as the time drew near for another session of Congress in December of 1831, little confidence was placed in the memorial; the northern supporters of the American system might, it was said, make a few concessions in the tariff, but on such articles and in such amounts as not materially to affect the system.²

Although South Carolina was so prominent in this anti-tariff convention, and her citizens were now regarded as practically unanimous against the tariff, there were some who boldly argued the fallacy of the two stock arguments, that the

¹ *Mountaineer*, July 30, 1831; *Messenger*, October 5.

² *Messenger*, October 19, 25, November 2, December 14, 21, 1831.

burden of the tariff was unequal and that it was unconstitutional. The *Charleston Southern Patriot*¹ continually pleaded for "justice and sound reasoning" on this subject. It held that the reasonings of the party which proposed a most unusual remedy for southern wrongs were built entirely on the unsupported assumption that South Carolina, in common with the other southern states, suffered peculiar injury from federal legislation. In vain had proof been demanded that the South was enduring a wrong which did not affect the people of the United States collectively, with the exception of the small number engaged in manufactures.

The charge was denied that the *Patriot* was trying to reconcile the southern states to the tariff and the American system; the editor claimed to be one of the first who had raised a cry against it, but he was for the truth about it, and against exaggerations which only put arguments at the command of the promoters of that system. He believed the system wrong for the country as a whole, and not so particularly for the South and South Carolina, as was represented by the Nullifiers. It was admitted that the South

¹ *Patriot*, June 15, 16, 17, 20, 1831.

was justly more interested in the overthrow of the protective system because of prospective injuries, but not because of present ones. It was denied that any southern staple product had fallen in price because of the restrictive policy; and it was insisted that, until other sources for the supply of cotton were opened, the injury and loss would not and could not be sectional.

The *Patriot* editor was not alone in pointing out that the tariff had not caused the fall in the price of cotton. A writer in the *Courier* gave a list of the prices of exported cotton from 1816 to the time when the tariff came to be so bitterly attacked.¹ His conclusion was that the tariff had had no effect on the price of cotton and that there was not the shadow of a reason why it should have; the South had glutted the market with cotton by the opening up of the fertile fields of the Southwest. The Yankees were not to blame; on the contrary, by setting up manufactures they had

¹ "Franklin," in the *Courier*, August 18, 1831. The average price had been: 1816, 28 cents; 1817, 27½ cents; 1818, 33 cents; 1819, 20 cents; 1820, 15½ cents; 1821, 14 cents; 1822, 16½ cents; 1823, 10½ cents. There was no tariff to cause a ruinous fall from 33 cents in 1818 to 10½ cents in 1823. In 1824, the year of the tariff, cotton sold for 14½ cents, taking the average prices in January and June. In 1825, the year after the tariff, it was 27 cents in June, and in June of 1826 only 9 cents.

really prevented the price of cotton from falling still more.

The argument which was perhaps most generally accepted, however, came from George McDuffie's theories about the burdens of a tariff tax. This doctrine postulated not merely that, as all admitted, discriminating taxes in general were deterrent to production, but that the tariff particularly affected the cotton-producer; that it subtracted from his profits by compelling him to sell his produce at a reduced price. Its workings amounted to a reduction of the market value of southern products, the argument ran, because in the process of exchange it took more of the southern product to buy a protected article than an unprotected one.¹

The *Patriot* replied to this contention. Conceding, it argued, that taxes were in a majority of cases divided between the producer and consumer, the question arose as to who was the producer most affected; McDuffie and his supporters overlooked the producer of the taxed commodity and insisted that the producer of the commodity exchanged for the taxed one bore all of the impost which did not fall on the consumer. In the en-

¹ See Houston, *Nullification in South Carolina*, chap. iii.

deavor to locate tax burdens one could not attempt to trace the more remote effects upon production; for at what point could one call a halt? It would be found that one could not stop even at the producer who made the immediate exchange, but that one would be bound to follow the principle until he included nearly every class of producers engaged in the preceding exchanges. There was no objection to adopting this view of the subject, provided that in judging of the effects of the tariff on American production the principle was not made to stop with the grower of cotton.¹

Other prominent men, such as Colonel William Drayton,² though they, with the majority of the Union party, thought the tariff acts unjust and oppressive and repugnant to the meaning and spirit of the Constitution, pointed out that it must be borne in mind that these sentiments were at variance with those of many of the most distinguished patriots.³ In fact, the weight of

¹ *Patriot*, May 31, 1831.

² *Courier*, November 23, 1831.

³ The protective system had been recommended, as both constitutional and expedient, by Washington, Jefferson, Madison, Monroe, Adams, and Jackson. It was so considered shortly after the adoption of the federal Constitution, in a Congress of which

authority seemed to be in favor of the constitutionality of the tariff acts; yet it was solely upon the ground of their being palpably unconstitutional that the right to nullify them was maintained in South Carolina. Surely the question of constitutionality must be admitted to be open to debate; then the State Rights party was wrong in asserting the right of nullification, since it based its contention on the construction of a doubtful clause. Such were the arguments of the Union party.

Meanwhile Jackson and Calhoun were changing from friends and allies to irreconcilable foes; the latter was watching his presidential chances fade away, and he was soon to be forced to take an open stand on the controversy between his state and the federal government.

several of the members had been delegates to the convention. It was so considered in South Carolina in 1816. The commercial and navigating states of New England were as hostile to it in 1816 and 1824 as was South Carolina now. Their representatives had opposed it zealously and pertinaciously at these dates, yet not one of them had denied its constitutionality. In the late free-trade convention in Philadelphia all concurred in admitting the impolicy and injuriousness of the protective system, yet was it deemed advisable not to discuss its constitutionality, as opinions were divided upon the subject.

CHAPTER IV

A YEAR OF CAMPAIGNING (1831)

The leaders of the State Rights party, although defeated in their attempt to procure a convention, had interpreted the legislature's vote on the resolutions, especially the sixth, to mean that the legislature would be prepared to act as soon as the members then in doubt had lost all hope of redress from Congress.¹ Thenceforward their program was to draw from the work of Congress lessons of misplaced confidence, preach against the tariff with renewed vigor, and thus to try to prepare the people for positive action. By this process many recruits were gained.

To Calhoun it appeared certain that the general government would not relax its hold unless compelled to do so; and it could not be forced to this action unless the South should unite in earnest and vigorous pressure, which he thought it almost hopeless to expect so long as Jackson maintained his popularity and his straddle on the tariff, unless one of the states should nullify the tariff acts. He therefore concluded that South

¹ *Messenger*, January 5, 1831.

Carolina, the only state which could possibly be brought to "put herself on her sovereignty," must make every effort to do so.¹ Nullification seemed at times to have hearty support in the neighboring states of Georgia and North Carolina, and it was believed by some that the doctrine would surely spread throughout the plantation states;² but while in some states there seemed to be a party ready to support it, in no state did this party show prospects of influencing the state to act immediately. Meanwhile, from Virginia there came distinctly adverse reports.³

¹ Calhoun Correspondence: Calhoun to Hammond, January 15, 1831.

² *Mercury*, January 26, 1831.

³ Hammond Papers: John S. Preston to Hammond, dated Abingdon, Virginia, April 17, 1831: ". . . . The nullification doctrine of South Carolina being not at all understood is looked upon in this section of the state with horror. When, however, the doctrine is explained in the least, all admit that it is but the carrying out of the boasted Virginia principles upon which they so much pride themselves. Any attempt to discuss the subject in the papers of this region would be useless and unprofitable. The people will not listen to it. They do not feel the weight of the oppressions of the general government, and when they are told of it and the ultimate tendency of the 'System,' they stun you with all the slangwhangery of Fourth of July patriotism, the greatness of the Union, and the blood and thunder of civil war. The selfishness of the Scotch-Irish and the phlegmatism of the Germans can never be roused to feeling and action until their own firesides are invaded."

Thus during the first half of 1831, while Congress was in session, the Nullification presses in South Carolina kept pounding away, first on the tariff and then on nullification, painting that remedy in ever more beautiful colors.¹

¹ *Mercury*, March 11, April 13, May 28, 1831; *Camden and Lancaster Beacon*, March 15, 22; *Messenger*, July 6, 20, August 3; *Charleston State Rights and Free Trade Evening Post*, October, 1831. The Nullifiers saw the need of another paper in Charleston besides the *Mercury*, and established the *Post* on October 1, 1831. The editors took pains to answer any and all objections raised against the nullification doctrine (*Camden and Lancaster Beacon*, March 15, 1831; *Pendleton Messenger*, September 28). For example, some persons asked: Since in the state of South Carolina the majority claimed the right to govern the minority, must it not be granted that the majority of the Union should govern the minority? By no means, it was answered, for the cases were absolutely dissimilar. The *Post*, October 21, 1831, presented such an answer. The state was a single consolidated government, which, being democratic, must be ruled by the majority; but the general government was a federal government and must be governed strictly by the terms of confederation. These nowhere prescribed that a majority of the states should govern a minority. When a state disputed the authority of the federal government to perform certain acts, it was not a question between a majority and a minority. It was a question between two parties—the protesting state being one party and the other states the other party. In a single state the governing power might safely be left with the majority, as their interests and those of the minority must in all cases of importance be identical; but not so in a confederation of states, differing in climate, productions, and the character of their population. Here it was necessary that there be provided, as had been done, some protection for those states a sacrifice of whose interests and safety might be attempted in the federative council. The right of interposition was therefore left,

Calhoun was forced to take an open stand on the question of the relation of the states to the general government before he had expected to do so.¹ In July he issued a long public letter which at once appeared in most of the State Rights papers. It amounted to little more than a restatement of the Exposition; but this time his authorship was published. He did not expect that his statement or any force of argument could change public opinion in the North, but he did feel assured that the "coming confusion and danger," which he had "for years foreseen," would not to the minority as a minority, but to each of the several states for itself; and when a state exercising that right resisted in its sovereign capacity, the question became one between equals, between sovereigns, to which it would be absurd to apply the terms "minority" and "majority," since the sovereignty of a small state was equal to that of a large state and the sovereignty of one state equal to that of many states. How absurd, it was urged, to draw a parallel between the resistance of a sovereign state against the unauthorized acts of the agents of the league and the resistance of a parish or corporation against its own state government. Had England resisted the decrees of the Holy Alliance the case would certainly not have been parallel to that of Manchester or Liverpool resisting England. And yet some politicians persisted in attempts to "mystify truth by confounding cases equally dissimilar."

But it must be added that those who argued thus never thought that it might be equally absurd to liken the American government to the Holy Alliance. See W. W. Willoughby, *The Nature of the State*; J. W. Garner, *Introduction to Political Science*.

¹ Calhoun Correspondence: Calhoun to Ingham, June 16, 1831.

do so. Then he hoped to see the government restored to one based on the republican principles of 1798.¹

Another event which the State Rights press exploited was an attempt by I. E. Homes and Alexander Mazyck to bring a case into court in order to get a decision upon the constitutionality of the tariff. The judge, however, would entertain only such evidence as related to the mere execution of the bond and would not admit the point of constitutionality for consideration.²

To promote its cause the party took occasion to give a State Rights ball for Governor James Hamilton, Jr., on March 3, in Charleston, at which the decorations were exclusively "emblematic of the cause of the South" and of the "Carolina Doctrines." In the center of the floor was placed a huge palmetto tree eighteen feet high, in perfect foliage, to enkindle state pride and loyalty in the heart of every guest the moment he entered the hall. It was encircled with colored lamps and bore around it a transparency labeled *Noli me*

¹ *Messenger*, August 3, 1831; Calhoun's *Works*, VI, 59 to 94; Calhoun Correspondence: Calhoun to Christopher Van Deventer, August 5; Calhoun to S. L. Gouverneur, August 18; Calhoun to Armistead Burt, September 1, 1831.

² *Mercury*, September 24, 1831.

tangere, below which was coiled a rattlesnake. This reptile was often associated with the palmetto as an emblem of the state to hint that while South Carolina, like the rattlesnake, would give a warning, the stroke which followed would be fatal.¹

When the State Rights and Free Trade party met in Charleston on June 25 to appoint delegates to the Philadelphia free-trade convention, it proceeded to complete the organization of a State Rights association, for which a committee to frame a constitution had been appointed at a previous meeting. This constitution provided for a president, six vice-presidents, a secretary, a treasurer, and a standing committee of nine to carry on correspondence with other committees, publish tracts, and call meetings. There was to be a regular meeting every month, and extra meetings might be called at discretion. The initiation fee was fixed at one dollar and the dues at twelve and a half cents a month. The constitution furthermore contemplated the holding of semiannual conventions of all such associations in the state, at Columbia in December and at Charleston in March.² The state-wide movement

¹ *Mercury*, March 5, 1831.

² *Mercury*, July 27, 1831.

for federated associations made such rapid progress that before the end of August as many as twenty-two meetings had been held in different parts of the state, at nearly all of which associations were formed. The constitutions were all modeled after that of the Charleston association, the central association of the state. The party press made much of, and took great hope from, the movement.¹

On November 7 the Charleston Association recommended that the auxiliary associations scattered over the state appoint delegates to a convention to be held at Columbia in December to adopt a more efficient plan of publishing and distributing among the people information in regard to the American system, the interests of the

¹ *Messenger*, August 10, 1831; *Mercury*, August 26. That these were looked upon as associations for the more perfect organization of the party in the face of local opposition, is shown by the resolutions adopted by a Pendleton meeting, which asserted that the people of the district were so thoroughly united that it was unnecessary to form a Free Trade and State Rights association. Though the Pendleton meeting expressed sympathy with the spirit of the movement and wished the associations success, yet the people of Pendleton seemed to be in favor of delaying any further action until the next Congress had met, in view of the work of the anti-tariff convention at Philadelphia and of the fact that the entire public debt would soon be paid, which made it likely that Congress would act then, if ever. See *Messenger*, August 24, November 9.

South, and its constitutional and confederate rights. During the fall the state seems to have given itself up to the business of politics. Dinners and meetings were reported from all quarters.¹ The convention met at Columbia on December 5. The roll showed a representation of from one to nine delegates from each of thirty associations. A committee was appointed to prepare an address to the people of the state on the object of the associations, and provision was made for the printing of ten thousand copies. A committee on tracts and one on contributions were put to work. Preparations to distribute tracts were discussed and an enthusiastic proprietor of stage lines offered to transmit gratuitously all packages sent by the State Rights associations.²

The Union men were equally active. They promptly denounced the State Rights associations as Jacobinical, and compared the officers of the Charleston association to Marat and Robespierre. The whole movement was called an *imperium in imperio*, designed to subvert all law and government, and was spoken of, indeed, as the actual

¹ *Messenger*, October 19, November 23, 1831; *Beacon*, October 25; *Post*, November 25; *Mercury*, November 9.

² *Mercury*, December 9, 1831; *Messenger*, December 14.

commencement of civil war and revolution.¹ The Union papers teemed with articles against the heresy of nullification. As to the famous sixth resolution of the last session of the legislature, passed by a vote of 90 to 24, of which the State Rights men were making so much, some of the Unionists contended that there was no warrant for nullification in it and that three-fourths of those who voted for it would deny that they had voted for nullification or sanctioned it as a constitutional means of redress.² Others, however, as they reflected upon the legislature's transactions and upon the work of Congress, admitted that the outlook was gloomy.

While Joel R. Poinsett believed that the Nullification or Convention party was not as strong as had been thought, William Drayton was of the opposite view. It appeared to him that many members of the legislature who voted against the calling of a convention were not against that measure upon principle, but were merely averse to it at that time, and that the addition of their

¹ The State Rights press replied that the opposition was equally active if not so aboveboard in its work (*Mercury*, August 3, 1831; *Messenger*, December 14).

² *Camden Journal*, March 26, 1831.

group to those who favored the immediate call would have made a constitutional majority.¹ The Union presses, however, continuing to keep up a bold front, answered the Nullifiers now with argument, now with irony and sarcasm. Each party, thinking that nothing succeeds like success, claimed that it was in the ascendant and that the other was dead or dying.²

It was pointed out that a Union which had flourished for half a century was rudely menaced with dissolution for an alleged palpable violation of the national Constitution; but when it was recollected that a Calhoun, a McDuffie, a Hayne, and a Hamilton had been the alternate defenders and defamers of the national Constitution, the sober-minded patriot should solemnly pause and distrust the views of such men, who would now demolish the political accomplishments of a Washington, a Madison, a Jefferson, and a Franklin, to furnish speculative statesmen with materials and opportunities for uprearing a more splendid structure on their ruins. The editor who reasoned thus thought that the excitement in regard to the tariff could be allayed by a little sound reasoning

¹ Poinsett Papers: Drayton to Poinsett, January 29, 1831.

² *Camden Journal*, May 14, 1831; *Camden Beacon*, May 20.

and concession on both sides. He thought that the South was not suffering under the tariff as much as she imagined, and that the most of the protection afforded was purely incidental—a sort the South admitted to be constitutional.¹

The *Charleston City Gazette* took delight in agreeing with the suggestion of a New Haven paper, that the names of a large number of distinguished individuals in South Carolina should be printed along with those of the members of the Hartford convention, when the latter list appeared on the yearly anniversary of that event—an attention provided for by the gift of some patriotic individual in order to effect the uncomfortable immortality of the Hartford participants. The same paper held that there was probably as much to be apprehended from a too frequent discussion of revolutionary doctrines as from the general apathy which was supposed to precede despotism. This editor's greatest consolation was his belief that the clamors against the usurpations of a corrupt majority came, not from sound patriarchs, the men of matured intelligence, virtue, and acknowledged patriotism, but solely from the discontented place-seekers. He was so firmly

¹ *Columbia Free Press and Hive*, February 5, 1831.

convinced of this that, though he admitted that it was possible for men of talents and honor to talk deliberately and philosophically upon a subject of this kind, he doubted the patriotism and integrity of any man who would openly or covertly advocate disunion on account of any pretended usurpations or inequalities in legislation that had ever occurred under the Constitution.¹

Other men, too, who were apparently in a position to know, ascribed evil motives to the Nullifiers. William Smith wrote from Washington that though the Calhoun party men professed to be opposed to the tariff, they pursued no regular system to bring about a reduction of it. They allowed a feeble effort to be made against the tariff, so feeble that they knew it must fail, and then exulted over the failure as argument against the Union men. He believed that they wanted, not a reduction of the tariff, but grievances. He reported that the doctrine of "Nullification and Convention" was as odious at Washington as its most ardent opponents could wish; that those who supported it realized their situation, were uneasy, and hoped yet to see Georgia embroiled with the general government over

¹ *Gazette*, January 6, 10, 14, 1831.

the Cherokee Indian case, in which event they might join and make common cause with that state.¹

One of the most bitter opponents of nullification was the able and sarcastic editor of the *Columbia Free Press and Hive*.² It was such a disgrace in South Carolina to have any connection with manufacturing interests that men would fight if accused of it. In the course of his campaign the *Free Press and Hive* editor appears to have printed a list of John Preston's property to show that the latter was interested in some manufacturing enterprises. It was thought that this

¹ Poinsett Papers: William Smith to D. E. Huger, February 16, 1831.

² The following is a good sample of his style, from the issue of February 12, 1831: "This disorganizing demon [party spirit] loves to appear clad in the robes of patriotism and breathing the language of disinterested public spirit; often, ere the unsuspecting are aware, he insinuates himself into public favor, and when he finds his grasp on the popular feeling sufficiently firm he indites a vocabulary of his own, in which innovation signifies reform and reform revolution; laughing with demoniac pleasure to see the friends of order and constitutional reform startled at the development of his frightful stratagems, he kindly attempts to soothe their fears by an appeal to their chivalry, telling them of their womanish nerves and offering them the insolvents' security by kindly offering to eat all the bodies which may fall in a war of his exciting." The editor then denounced these "political blacklegs" and "gamblers."

would reflect disadvantageously upon his brother, William Preston, who was a candidate.¹ The result was a visit to the editor's office by John Preston and a lively fisticuff.² About the same time a fight occurred between James H. Hammond, a Columbia editor, and C. F. Daniels, editor of the *Camden Journal*. This affair grew out of some comments on an election, in response to which Hammond made a special trip to Camden to chastise the editor.³ The contest waxed hot, and although Union men seemed to be in personal danger if they became too offensive to their opponents, champions were not wanting. Espe-

¹ The same thing had been alleged against Judge William Smith for a similar purpose. Another example of this occurred the next year when the "Nullies" accused Colonel James Chesnut, the Union candidate for the state Senate in Kershaw district, of being a tariff man because he was interested in a cotton factory. The editor of the *Camden Journal* defended him by saying that he had an interest of just \$1,300 in a cotton manufactory established by the late David R. Williams at Society Hill. The interest on this \$1,300 was just about three bales of cotton, an article of which Chesnut raised 600 bales annually. One of the wealthiest men in the upper country, the owner of three or four hundred negroes, with an immense landed estate, was on this ground accused of being a "d—d Federalist." "Ridiculous!" said the editor (*Journal*, September 29, 1832).

² *Free Press and Hive*, April 2, 1831.

³ Shots were fired by the *Journal* editor, but a clinch made him miss his mark (*Journal*, June 4, 1831).

cially did they resent the charge of being "Submission men."¹

The *Greenville Mountaineer*, in contrast to some papers referred to above, did not impugn the motives of such men as John C. Calhoun, Robert Y. Hayne, George McDuffie, and James Hamilton, Jr., but its editor professed to feel certain that the leaders and advocates of nullification did not apprehend the dangers which he foresaw would result from these doctrines. They, no doubt, thought the doctrines not only constitutional,

¹ One of the best answers to this charge appeared in the *Camden Journal*, April 9, 1831, as an editorial on "Submission Men": "For a year or two past it has appeared to afford great comfort to the advocates of nullification, war, bloodshed, and brimstone to call people who have little relish for a tournament with windmills submission men, and they keep it up with undiminished zeal and good sense. . . . We *are* submission men. . . . We profess to submit to the Constitution of our country. We submit to the laws framed under the forms of that Constitution. We submit to the voice of a majority of the nation. We submit to government in preference to submission to anarchy, and we finally submit to the oaths we have taken to support all these things in their integrity. This is what we submit to; and now tell us whether these are any of the items to which you do not submit." It is but a subterfuge to say one submits to the Constitution, but since it has been violated one is absolved from allegiance. "We do ourselves believe the spirit of the Constitution to have been violated; but a violation of the Constitution must be constitutionally remedied. Because A has cheated B out of his lawful rights, is B at liberty to knock A's brains out for the offense? The national legislature has enacted an unconstitutional law. Who

but wise and judicious. But was it not enough to make them pause and reflect when Judge Daniel E. Huger, Judge William Smith, Colonel William Drayton, Judge J. P. Richardson, Chancellor Desaussure, Judge David Johnson, Judge William Johnson, Judge J. B. O'Neill, Judge Lee, Governor Richard I. Manning, Governor Bennett, Colonel Taylor, Joel R. Poinsett, James L. Petigru, Hugh S. Legaré, and many others, distinguished alike for their virtues, talents, patriotism,

says so? A state, a town, an individual. Does the state, the town, or the individual set itself up for judge upon the question, or does it submit to the expounders provided by the Constitution? The Nullifiers tell us that it is a base and cowardly 'submission' to obey the government when its requirements militate with their own notions of individual 'sovereignty.' Is there anything but Jacobinism, sheer, rank, unadulterated anarchy and opposition to every well-settled notion of government in this? Nothing under Heaven! And in this sense we glory in the name of submission men."

In answer to the question, "What do you propose?" the editor said that such a question was unbecoming to the opposition, when its own followers differed as to what policy to follow, and he added: "We propose to hate the tariff and the internal improvement system as we hate the devil. We propose to fight against them both in all constitutional ways and with all constitutional energy. We propose to urge against them every argument that can be mustered. We propose to give every vote against them which the Constitution allows us to send into the national legislature. And finally, we propose when this kind of opposition proves unavailing, to ask the people of South Carolina whether they prefer secession to a longer continuance in the confederacy, and if they answer in the affirmative, to go with them and die in the last ditch! These are our propositions."

and public services, not only regarded them as dangerous political heresies, but as the very seeds of disunion, discord, and revolution? Why was it, he asked, that the South must get rid of the tariff at all hazards? Was it more oppressive or more unconstitutional than other laws to which they had submitted?

The embargo was at one time, and the existing system of internal improvements was now, more ruinous to the country than the tariff. The purchase of Louisiana and the establishment of the National Bank were more glaring infractions of the Constitution than the encouragement of manufactures by protective duties. The Alien and Sedition laws were infinitely more alarming and more odious to the feelings of freemen than any measures Congress had passed before or since. And yet these oppressive and unconstitutional acts of the general government had been submitted to by the people of South Carolina with no thought of disunion or nullification. The general tendency, he thought, was for these excesses to cure themselves by natural reaction. The Sedition law had expired amidst the execrations of the people; and the Alien law remained a dead letter on the statute books. The purchase

of Louisiana was considered the noblest act of Jefferson's administration. The system of internal improvements had been checked and stopped by the wisdom and firmness of Jackson, and the National Bank would probably soon receive its death blow from the same hand. Things had gone wrong before and had become right; they might do so again. The blessings the people enjoyed in spite of their alleged grievances were so great that they should "rather bear those ills we have, than fly to others that we know not of."¹

John C. Calhoun and George McDuffie were singled out by the Unionists for especially vigorous attack during the summer. The people who were quoting these men were reminded that they had erred before on some of the most important measures adopted by the government, and that they might be erring again; and that, at any rate, the mere mention of their names was not to be regarded as proof of the rectitude of a policy. Early in the summer a dinner was given in Mc-

¹ *Mountaineer*, May 14, 1831. By the middle of the year several of the papers on both sides had received such additional patronage and had such pressing demand made upon their columns by political material, that they felt that an increase of size was warranted (*Mercury*, May 27, 1831).

Duffie's honor at Charleston, at which, in a three hours' speech, he spoke strongly for nullification, and rehearsed his argument that the producer and not the consumer paid the duty on importations and that the southern planter annually gave to the government or to the northern manufacturers forty out of every one hundred bales of cotton he raised.¹ McDuffie's speech attracted much attention and was attacked generally by the Union press of the state as well as by that of the North. The editor of the *Camden Journal* averred that McDuffie's tariff theories could be proved unsound by a schoolboy of ordinary intelligence. He praised McDuffie, however, for admitting that nullification was not a constitutional or pacific measure, while he denounced him for trying to persuade the people to hazard their all in resisting the tariff.²

¹ The dinner was given on May 19. See *Mercury*, June, 1831; *Journal*, June 4; *Mountaineer*, June 4; *Courier*, May 30, June 9, 10.

² Other Union editors eagerly seized upon that part of his speech in which he admitted that the doctrine of nullification could not be derived from anything in the Constitution; this, they said, placed the question in its true light (*Mountaineer*, June 4, 1831; *Patriot*, June; *Journal*, June 4). Many other writers picked his arguments to pieces, and one of them took occasion to point out the absurdities connected with the practice of giving such political dinners (*Courier*, June 9, "Cato"; June 10, "One of the People"). "The practice

Calhoun's public letter of July 26, 1831, to the *Pendleton Messenger*—his "Exposé," as it was called—was widely printed throughout the state, and was as widely attacked by the Union men, who tried to show that he had a wrong conception of the federal system.¹ The editor of the *Columbia Free Press and Hive* in particular, not at all chastened by Preston's assault, indulged in elaborate rodomontade against Calhoun and his theories.²

of giving dinners for the actual purpose of political excitement and influence, under the pretense of hospitality to distinguished strangers, is the vulgar machinery of party management. A few, so few as to amount to a mere fraction of the community, get up and attend this eating caucus. The guest, who is always a violent partisan, takes leave to say a few words, and to a toast of a line or two gives a preface of three hours. Heated by zeal and wine, the audience clap hands, beat the table, rattle the glasses, and at the hint of the manager, spontaneously rise up and shout aloud, upon the conclusion of some inflated partisan grandiloquence, especially abusive of the great majority of the people, who do not attend, and are unrepresented. It is thus that the great managers of the party create matter enough to keep the columns of a nullifying paper full for a day or two " (*Courier*, May 30).

¹ *Mountaineer*, August 20, 1831; *Patriot*, August 11; *Free Press and Hive*, September 3.

² The issue of September 3, 1831, contains a choice example. The following appeared on November 5 and is typical: "Whether nullification is a spirit, some goblin damned, or a highly ethereal dementating gas, we confess our knowledge too limited in the abstruse sciences of metaphysics and materialism to decide; we must

Of course during all this controversy the Virginia and Kentucky resolutions were repeatedly spoken of by the Nullifiers as justifying their theories. Many Unionists, on the other hand, denied that nullification of the South Carolina brand could be found in those resolutions. William Drayton, in an oration on July 4, 1831, gave the explanation of those resolutions which circulated widely as the platform of most of the Union

leave these points to be settled by some greater name, which derives celebrity from a learned title. It shall be our task to mark with care and precision its effects upon the human system or the symptoms of that alarming disease which is the inevitable result of its inspiration.

"Whether nullification be a demoniacal spirit or an exhilarating gas, it may be impossible to determine; but the disease it produces is established by the clearest principles of nosology; it belongs to the class Neurosis, order Vesania, and genus Amentia. It is chiefly confined to the brain, producing slight fever with extreme thirst for blood, and occasional prostration of appetite for Kentucky hogs and mules and Yankee manufactures, and a perfect loathing of wooden nutmegs." He fears that the disease is "moveable" and may produce cholera morbus or sweating sickness if it falls upon the bowels or skin. "But should it continue a fixed Neurosis, an adequate enlargement of our already spacious lunatic asylum may be all that is requisite.

"The distemper arising from nullification is manifestly an epidemic, and although it spends its force almost exclusively on the brain, the great sympathy which exists between that important organ and the liver causes the latter function to become so far perverted as to throw a sufficiency of gall into the circulation to produce a jaundiced eye and optical illusion, and hence we may account for

party.¹ He regarded them in a twofold aspect, as offering two modes of resistance, one constitutional and the other revolutionary; the former including all the legal means of arresting a political evil under the federal system, such as declarations, remonstrances, and joint protests by the states; the latter, extra-constitutional in character, recognizing the right of a state to secede when all these regular and constitutional means had failed. This explanation was said to be in exact conformity with James Madison's letter of August, 1830, interpreting those oft-cited resolutions.

In the same oration Drayton took special delight in tearing the Exposition to pieces. In the first place, he supported the Exposition, by an elaborate argument, in its assertion that the tariff acts of 1824 and 1828 were unconstitutional, but a political phenomenon which has perfectly confounded to all intents and purposes the uninfected portion of the citizens of our own and other states. Thus to an eye to which the tariff and internal improvements appear perfectly constitutional and expedient, after a paroxysm of nullification, these laws appear so palpably unconstitutional and oppressive that the most perfect patriotism consists in resisting them. This strange, and to our state novel, disease appears to exert a pantomimic influence upon its victims; hence whenever one becomes nullified he recognizes in his most perfect previous likeness a *capapic tory*."

¹ *Patriot*, July 29, 1831; also published in pamphlet form.

he did not agree that previous to these acts there was no case in point of similar unconstitutional legislation.

As to the enumeration of the evils resulting from the tariff, he felt that the Exposition was greatly in error. He attacked the position that the southern people as producers of the great export staples bore the bulk of the burden of the tariff. Only in so far as they were consumers of articles upon which there were import duties were they bearers of the tariff burden. Therefore, since the computation of the share of the contributions of the two sections to the general treasury was based upon the assumption that protective duties fell upon exports, the calculation was wrong.

As for the remedy recommended to prevent the operation of the tariff acts upon the state of South Carolina—nullification—he had no sympathy with it, because if such a doctrine were reduced to practice the Union could not subsist. He agreed that the states were sovereign in many respects, but emphatically denied that these included, by “clear implication,” a veto on the action of the general government on contested points of authority. That the Constitution sanctioned such a remedy to prevent the encroachment

of the general government on the reserved rights of the states, he would by no means admit, because if a state regarded a law as unconstitutional and could effectively interpose its veto, the very tribunal authorized by the Constitution to decide finally whether a law was constitutional would be ousted from its jurisdiction, and the judicial power of the United States would be nugatory where it was most essential.¹

Furthermore, he could not understand how the supporters of the Exposition could, with it, admit that the Supreme Court had an indispensable and constitutional power to nullify the acts of state legislatures which, in its opinion, conflicted with the powers delegated to the general government, and yet claim, with the Exposition, that a state had a constitutional right to "control the action of the general government on contested points of authority," whenever, in the opinion of the state, the action of the general government conflicted with the powers delegated to it. The sovereign states entered into a compact, which was the

¹ There was a tendency on the part of most of the Union men to ascribe to the Exposition the assertion that nullification was provided for in the Constitution, and to ascribe to the Constitution the statement that the federal courts were to settle all questions of constitutionality.

federal Constitution; the powers which they reserved they might still exercise unhindered; but such as they granted to the federal government they could not exercise nor resume, as long as that government lasted.

The argument that the Exposition recommended not an unqualified but a suspensive veto, until the power in question should be sanctioned by an amendment to the Constitution, Drayton pronounced meaningless. If a state could control the action of the general government on contested points of authority under the Constitution, it could do so also under an amendment. Even though an amendment were passed for a specific purpose, difference of interpretation might arise, as had happened in the case of the Eleventh Amendment. The state veto must end in civil war, and could not be a peaceful remedy, unless the President should fail to perform his duty. As to secession and a dissolution of the Union, he believed it not only impossible but unworthy of contemplation.

There was even a lingering defense of the tariff in the state, both as to its constitutionality and as to its expediency.¹ *The Union and State*

¹ *Gazette*, August 23, 1831.

Rights Gazette, which was established in Charleston in the early fall of 1831, was an avowed pro-tariff paper. The *Southern Patriot* denied that this sheet printed the doctrines of the Union party, but a *Mercury* writer said that it looked very much as though it must be an orthodox Union paper.¹ "A Party Concerned"² answered the *Patriot's* hasty denial and contended that the paper was what it purported to be, a collection of essays from the daily Union papers, reprinted for convenient circulation in the country to combat the heresy of nullification; and that the *Patriot* was apparently yielding more credence to the exaggerated misstatements of the Nullifiers about the evils of the tariff than the Union party would admit. This writer felt positive that half of the party regarded these exaggerated misstatements as mere humbug.

For instance, he asked, who believed the nonsense that the planters were plundered by the government of forty bales of cotton out of every hundred? Who believed that the hard times of 1823 were caused by the tariff of 1824? "Who

¹ *Mercury*, August 27, 1831.

² *Charleston Gazette* (not to be confused with this *Union and State Rights Gazette*), August 29, 1831.

but a gull" believed that the tariff had reduced the price of cotton from 20 cents to 10 cents? Surely not as many as one-fourth of the Union party believed such nonsense, for they knew that it was a trick of the Nullifiers to say that the citizens of the state were unanimous as to the evil and differed only as to the remedy. Surely the Union party would not yield this point, for that meant the yielding of the whole question and the precipitation of civil war. If it were true that the tariff was palpably unconstitutional and that it had reduced the South to hopeless ruin, what mattered it whether the remedy was constitutional or not? The only question a sensible man would then ask would be as to its effectiveness.

The truth as to the constitutionality of the tariff was that the best and wisest men differed; but as to the evil results of the present tariff the adherents of the Union party unanimously agreed that the results had been grossly exaggerated and that when they were compared to the evil effects of disunion they were as "the dust in the balance." The Union men therefore were opposed to nullification because it was a remedy worse than the disease, and every man who would make the disease out to be worse than the remedy justified

the remedy. This was a fair statement of the position of the majority of the Union party as to what they believed to be misstatements about the evils of the tariff. The pro-tariff complexion of the *Union and State Rights Gazette* represented only a small minority of the Union party.

In preparation for the Fourth of July the Union men at Charleston held a meeting on May 30 in "Seyle's Long Room," their usual gathering-place, and made plans for festivities of their own separate from those of the State Rights party. At once the papers on both sides were flooded with a discussion of this new departure from the usual custom of having one united celebration.¹ The *Courier*, *Gazette*, and *Patriot* of course supported the Union project, but the *Mercury*² denounced the idea of making the celebration of that day a mere party measure, and pleaded for the continuance of the custom by which on "the glorious Fourth" the various societies and military corps of every political complexion, repaired to the churches after the parade, accompanied by their fellow-citizens, to offer prayers and hear orations in celebration of the achievements of the fathers.

¹ *Gazette*, May 31, June 1, 1831.

² *Mercury*, May 31, June 1, 1831.

The Union press answered that the new departure meant simply that the people had resolved no longer to be insulted at every recurrence of the Fourth of July by orations and toasts violative of every national and historic principle. On the last two anniversaries of Independence Day, they declared, the nullification orators had poured out expressions of their hatred for the Union party, and their toasts and speeches had teemed with the most rancorous abuse. The supporters of the Union party had simply determined that they would no longer be abused to their faces and that Carolina was no longer to be thus misrepresented.¹

As the day of celebration approached, party spirit ran so high that there was talk of the possibility of July 4 being a bloody day; but such idle talk was confined mainly to the *Mercury*.² Adherents of the State Rights party, not to be outdone, made as extensive preparations as their opponents, and invited all the societies and volunteer corps of the city to celebrate with them. The three leading societies of the city were the Revolutionary, Cincinnati, and '76 societies. The State Rights party had gained control of the

¹ *Courier*, June 2, 29, 1831; *Gazette*, June 6, 14.

² *Courier*, July 27, 1831; *Gazette*, June 14.

last two and refused the Union men a chance to be heard. These societies now became strictly partisan.

When the day arrived, each party had its parade, prayers, orations, reading of original odes, etc., and each ended the day with a dinner. That of the Union party lasted from 4:00 to 10:00 P.M., with speeches and toasts of such length and number as to testify to great devotion to the cause on the part of those who would sit through to the end.¹ No clash of arms occurred, but from this day forth party lines were most severely drawn. Even the ladies had a chance to express their party affiliations at a "soirée" given for them on July 6 by the Union party in its "Bower";² and the State Rights party, also recognizing the feminine influence, had an affair for its own ladies.

All over the state the customary festivities of July 4 were characterized by much party feeling. The toasts, both "regular" and "volunteer,"³ dealt with the political situation. The Charleston celebration attracted much attention and the speeches

¹ *Life and Times of C. G. Memminger*, by H. D. Capers, has a reprint of the proceedings of the celebration by the Union party.

² The Bower was a special building 100 by 150 feet, built by the party for its celebration; see *Courier*, July 8, 1831.

³ The regular toasts appeared on the printed program.

were widely quoted. As an example of what political capital was made of some of these speeches, the *Camden Beacon* held that because Hugh S. Legaré said that the tariff was not oppressive, and because Petigru said that it was constitutional, the Submission party of the state was one with Daniel Webster, New England, Tariff, Federal party. All this was deduced from Legaré's assertion that the decay of the lower country, the fall of the price of cotton, and the comparative unproductiveness of slave labor had no connection with the tariff.¹ The *Journal* immediately and justly denied that he and his party were in favor of the tariff.

The committee in charge of the Union celebration in Charleston had invited President Jackson to be present on the Fourth. The President replied to the invitation on June 14 in a letter commending the party. He made some reference to those who might pursue a course not so trustful in the justice of the national councils, which was interpreted by the State Rights party as a threat of coercion to intimidate the people and render them less disposed to "execute their most sacred

¹ *Beacon*, July 19, 1831. Legaré's speech is given in *The Writings of Hugh Swinton Legaré*, edited by his sister.

duty.” Accordingly, the State Rights men, after the publication of this letter, held meetings all over the state to reprimand the President and to refute his insinuation that the State Rights and Free Trade party opposed the Union.¹ Colleton district, which eagerly seized such opportunities, at a meeting at Walterboro denounced Jackson’s threat of coercion as a gross assertion of tyrannical power. Thereafter most of the meetings held to form State Rights associations took occasion to censure the President.

As late as October 15, 1830, the general impression appears to have been that the Jackson administration was entirely in sympathy with the Nullifiers.² Some of the Union men saw, however, that though the Nullifiers were thus confident and called themselves the only true Jackson men, their doctrines, if ever put into practice, would bring disgrace to his name; this he must see before long, and then the delusion of the Nullifiers would be banished. The idea, however, that the Unionists

¹ *Mercury*, July 7, 20, August 4, 26, 1831; *Messenger*, July 20, August 24.

² Poinsett Papers; letter with this notation: “Confidential—Copy of a letter from a Gentleman dated Charleston, October 15, 1830.”

were not, in favor at Washington and that the Nullifiers were supported by the President and the Secretary of State, paralyzed the strength of the Union well-wishers for a time. A letter from Jackson under date of October 26, 1830,¹ shows that at that very time he supposed that everyone acquainted with him knew that he was opposed to the nullification doctrine, as he had repeatedly declared himself so. Other assurances soon came to the Union party that the President was in sympathy with it, and by the end of February the press began to reflect the true position of the President.²

There were slight beginnings of the presidential campaign early in 1830,³ but the campaign began more in earnest in the next year, after the publication of the Jackson-Calhoun correspondence over the Seminole affair. It was then not long before some State Rights papers showed coldness toward the General, and after his letter of June 14 nearly all were his openly avowed opponents.

¹ Poinsett Papers: Jackson to Robert Oliver, October 26, sent to Poinsett on October 28 by R. M. Gibbes, of Baltimore.

² Poinsett Papers: Drayton to Poinsett, January 29, February 12, 1831. *Courier*, January 22, February 23.

³ *Mountaineer*, April 10, 1830; *Mercury*, April 22.

The Union papers, of course, were all his admirers and supporters.¹

The rupture between Jackson and Calhoun was caused by the story of an incident which occurred in a cabinet meeting in 1818, after Jackson had seized some Spanish posts in Florida and had placed the United States government in an embarrassing situation. Calhoun had suggested that Jackson had transcended his orders in conducting the campaign and that in all such cases a court of inquiry was indispensable to preserve the discipline of the army and maintain the dignity of the government. The proposal was not sustained and Jackson did not know until near the middle of 1830 that Calhoun had made it. When Calhoun admitted that he had suggested the court of inquiry, Jackson became at once and forever the foe of the man whom he had toasted at a public dinner not long before as the "noblest work of God."² Even after the split between Jackson and Calhoun, however, some State Rights men tried to show that friendship to Cal-

¹ *Journal*, January 8, May 14, July 16, November 12, 1831; *Mercury*, February 24, March 29; *Messenger*, March 9; *Mountaineer*, August 27, September 3.

² William J. Grayson's *Memoirs*. MSS.

houn did not necessitate hostility to Jackson, for they feared an evil even worse than the General in the person of Henry Clay.¹

Jackson's letter of June 14 marks an important point in the relations of the President to the South Carolina factions. It will be remembered that the State Rights party in October of 1828 added to its name that of Jackson and called itself the State Rights and Jackson party.² In May, 1831, the use of Jackson's name in its title was discontinued by this party and the term Free Trade substituted; this dropping of the name of Jackson, it was alleged, had nothing to do with the trouble between Jackson and Calhoun over the Seminole campaign, nor did it mean that the party was unwilling to support the General for the presidency; but it was done simply because the party had concluded that it was idle to look to any President or to anything but "the undaunted spirit of the state." At any rate, whereas the State Rights men had been loud in praise of Jackson, after the publication of

¹ *Mercury*, April 16, 1831. There were also a few sporadic efforts to push forward the ticket of Jackson and Calhoun. See *Beacon*, May 10, 1831.

² In the *Mercury* of June 21, 1831, "Phocion" wrote a review of party history.

the letter of June 14 they became his most persistent foes.

While the State Rights party was so active in forming its associations during the latter half of 1831, the Union party held meetings almost as numerous, though it did not organize societies as did the Nullifiers. The Unionists took great delight in denouncing the Nullification clubs as even worse than the original Jacobin Club.¹

¹ A writer, "Furioso," in the *Courier*, August 10, 1831, thus characterized the way this system of clubs worked: "What a fine thing is a well organized party. How beautifully its different parts play into each other. The big Nullifiers in Charleston have a meeting; organize a club; pass resolutions and huzzah; they then send circulars to the little Nullifiers in the interior and beg them to make haste and kick up a dust at the country Court Houses. The circular arrives; the lawyers at the Court House dash off and bring together the constables, the hangers-on at the taverns, and a dozen others; they meet in the court room and flourish a resolution or two; denounce General Jackson; organize a political club; get some old fellow to come out; call him a Revolutionary worthy; vote thanks to one another; and send their proceedings to the *Mercury*, countersigned by Tom, the Pres., and Jack Copias, the Sec. And now behold the columns of the *Mercury*, the day after the receipt of the proceedings. Oh, what congratulations! What rejoicings it pretends to make! Pieces appear, headed with the words 'Glorious News,' and 'Interesting Proceedings,' and all that kind of thing, and the people are gravely told that these are evidences of public opinion. O tempora! O mores! how this world is given to gulling; what authentic evidences of public opinion!!"

Another writer, in the *Mountaineer*, May 26, 1832, satirized the workings of the association thus: "Already we have a selected body

Their resolutions expressed complete faith in Jackson, opposition to the tariff, and the determination to stand by the Union until the only alternative should be dissolution or the loss of civil liberty. They incidentally expressed the hope and belief that the Philadelphia anti-tariff convention would lead to results and show the value of constitutional opposition to the tariff.¹

The fall city elections in Charleston were eagerly anticipated as a test of party strength. Each party nominated a complete ticket, of intendant and twelve wardens, and the election was declared the most exciting ever held.² The whose resolutions are law, and whose measures are conceived and dictated by a half dozen men. The Association was not elected by the people, but selected by the agents of a few leaders. Their resolutions are always the work of the chiefs and only submitted after full consideration to the adoption of the Association. When adopted, they are the law of the land, in a community which has always subjected law and legislation to public opinion. This process is wonderfully efficient. The leaders resolve; the Association propagates; and the people follow. Who in the Association dare oppose Pompey, Caesar, and Crassus? If there be one so disposed, he must feel that opposition would be suicidal. And who so bold among the people as to oppose the views of the Association? If there be any, they are damned as submission men. . . . ”

¹ *Courier*, August 1, 10, September 15, 16, 30, November 10, 18, 25, 1831; *Journal*, August 13, December 3; *Mercury*, August 20, 22; *Mountaineer*, September 10, 24, October 8; *Gazette*, September 15.

² The vote the year before was thought large, with about 1,600, but this year it reached 1,978.

result proved to be a decisive victory for the State Rights ticket.¹ This was hailed by the State Rights party men as a great triumph, and perhaps with reason, in view of the elections of the previous year. In their natural jubilation they interpreted this victory to mean that the people would no longer be gulled by the Unionist prophecies of a disastrous result of this plan. They did not consider that the election proved that the people advocated nullification, as the Union party had said such a result would declare, but they rejoiced that Charleston had intimated a refusal to condemn nullification or any other measure which the state might find it expedient to adopt. The State Rights committee itself published a plea for moderation on the part of the members of that party, to show a love of peace and order, that they might keep the confidence of the people.² The Union party immediately held a rally, resolved never to cease to oppose nullification, and claimed that Charleston was by no means ready to sanction an act of nullification by the legisla-

¹ The vote on intendant was typical of the respective average party votes on all the offices. Pinckney, heading the State Rights and Free Trade ticket, received 1,040; Pringle, heading the State Rights and Union ticket, received 932 (*Courier*, August 30, September 7, 12, 1831; *Mercury*, September 6, 7).

² *Mercury*, September 7, 1831; *Patriot*, September 6.

ture, which it was said was being projected. Some of the Union men excused their defeat by saying that they were simply caught napping, overconfident of their majority. It was admitted, too, that they needed an improved organization.¹

Although elections for the state legislature came only in the even years, the death of William Aiken caused a vacancy in the Charleston delegation which was to be filled in October. Both parties made strong efforts to win this place. The Union party succeeded in rallying its forces somewhat, for they were beaten this time by the small majority of eight.²

Politics was by no means a clean business even in that day, for there were charges of election frauds on both sides, and both parties by resolutions asked the state legislature to take measures to promote the purity of elections. Both were guilty, but each thought the other more so.³

¹ *Courier*, September 7, 12, 1831; *Gazette*, September 9, October 13.

² *Courier*, October 4, 13, 1831; *Patriot*, October 12, 13; *Gazette*, October 13.

³ *Patriot*, October 13, 1831; *Courier*, October 21. The legislature, when it met, passed a resolution declaratory of the qualifications of electors within the election district of Charleston which would exclude quite a number of northern and eastern merchants who carried on their business in Charleston, the great majority of whom were attached to the Union party (Poinsett Papers: Drayton to Poinsett, December 27, 1831).

Since the membership of the legislature would not be altered in the coming session, there was little expectation that there would be any change in the state's position. Before the legislature met there was some talk of bringing up the convention question again, and some few, bolder than others, even suggested that the State Rights majority of the legislature go ahead without the call of a convention and nullify the tariff law by legislative act; but the folly of either of these procedures was admitted by most of the State Rights or Convention party.

Again the cry was raised of hope for relief from the next session of Congress. There was a possibility, as even some Conventionists admitted, that a dispute as to the division of the spoils might cause the American-system supporters of the new Congress to split and to yield somewhat on the tariff.¹ The Conventionists insisted, however, that even that would furnish no guaranty against the future, whenever a combination of interests should again arise and push it forward. By the time the legislature met, late in November, the Nullification party as a whole seemed to have determined, perhaps "in some solemn

¹ *Mercury*, November 28, 1831; *Messenger*, July 27, October 5.

convocation of the Club," to await the action of the next Congress. The governor's message, more moderate than the Union party had expected, recommended the wait-awhile policy, and this immediately quieted what little fear there was of imminent conflict with the general government.¹

On the evening of November 29 there was held in the Senate room a meeting "of the members of the legislature friendly to the re-election of General Jackson." It was a Union party move, but the State Rights party members attended. Daniel E. Huger presided, and James L. Petigru offered resolutions nominating Jackson for re-election, thus causing a heated debate. Many of the State Rights men spoke against the resolutions, on the ground that they were premature, in view of the struggle in which South Carolina was engaged with the general government. They admitted that they preferred Jackson to Clay or Wirt, but they wanted South Carolina to keep aloof for a time. Finally the meeting agreed to adjourn, so that those favorable to the nomination could remain, while those who opposed the nomination could assemble at another place. The opponents

¹ *Journal*, November 26, 1831; *Courier*, December 5, 10. Poinsett Papers: Drayton to Poinsett, December 27.

went to the hall of the House, organized, and adopted a resolution that it was inexpedient for South Carolina to participate in the presidential campaign. The sixty-six who remained and voted for the Jackson resolutions authorized the appointment of eleven delegates to the Baltimore convention of the next May. The ninety-six of the opposition asserted that their chief reason for objection was that the Submission men were trying to use the presidential campaign as a means of diverting attention from the crucial issue.¹

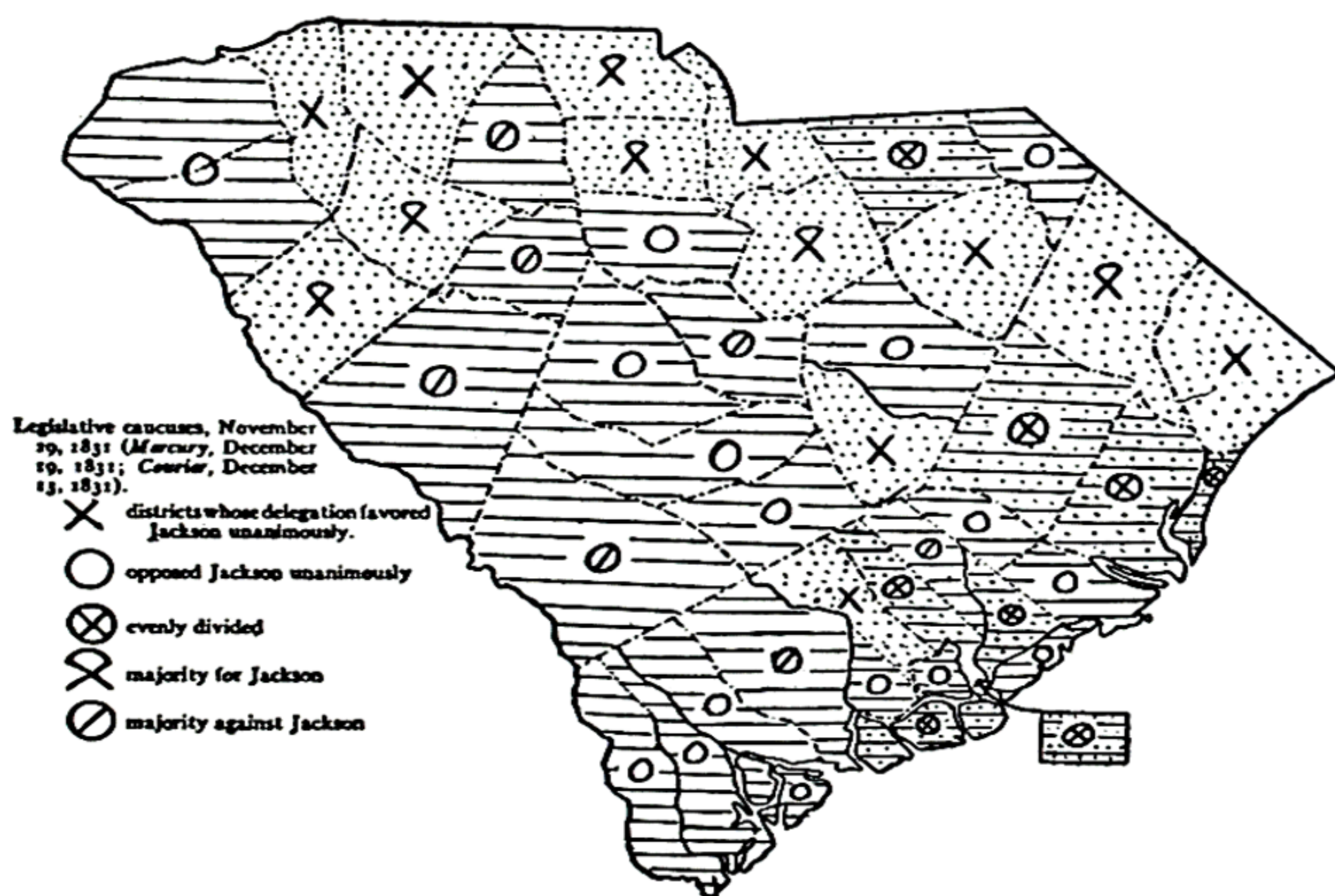
A plot of the two caucuses shows a distribution virtually the same as that of the previous year on the convention question. With but few exceptions in the state it is quite probable that the party division as to nullification applied also to the question of the presidency.²

The State Rights men had planned to issue a stinging rebuke to the President in the form of a set of resolutions denouncing his June 14 letter, and the reports of the committees on federal relations were made according to this understanding. But the President's message, satisfactory to the

¹ *Mercury*, December 3, 9, 1831; *Courier*, December 13, 28; *Beacon*, December 6.

² See Map IV and p. 107, n. 3.

South Carolina statesmen as to tariff reform, was received in time to gain for the President a commendatory resolution along with his condemnation. The Union men attempted to have the



MAP IV.—Jackson and Anti-Jackson caucuses, 1831

whole course of the President approved, but failed.¹ During the debates on these resolutions the doctrine of nullification was often discussed. On the whole, the Union men were glad that the

¹ The vote was State Rights 63, Union 56 (*Mercury*, December 17, 1831).

legislature adjourned without doing anything more rash than to pass resolutions in relation to the President's letter.¹

South Carolina was thus left where she had stood the year before, awaiting the results of the congressional session. The State Rights men made much of their display of forbearance, and justified it on the ground that South Carolina was in duty bound to await the outcome of the memorial of the Philadelphia anti-tariff convention, since she had been so active in that convention and since one of her sons, Judge William Harper, was to be one of its special messengers to Congress.² The State Rights men were probably honest in professing that the state's position was what they desired. Be that as it may, the fact remains that the State Rights party had practically no other position open to its choice. Until a new legislature was elected in which the State Rights party should control the two-thirds majority required for calling a convention, the state was not likely to be forced into a more advanced position.

¹ *Mountaineer*, December 31, 1831. Poinsett Papers: Drayton to Poinsett, December 27.

² *Mercury*, January 4, 1832.

Before leaving Columbia the Union members of the legislature got together and published an address stating anew and in a concise form the position of that party. As usual they admitted that nullification was a revolutionary right, but denied its constitutionality; they admitted the oppressions of the tariff, but denied that they were enough to justify revolution.¹

¹ *Mercury*, January 6, 1832; *Post*, January 10.

CHAPTER V

THE NULLIFIERS CAPTURE THE LEGISLATURE (1832)

In the early weeks of the new year the partisans awaited developments. A protectionist convention at New York offset the low-tariff demonstration at Philadelphia, and Congress appeared to lend a willing ear to Clay's plan for revising the tariff on a basis of but trifling reductions and for spending a large part of the revenue for internal improvements to benefit the West.

This program promised an indefinite prolongation of the government's previous policy.¹ The convention of the State Rights associations which met at Charleston in February denounced Clay's project as involving a systematic exploitation of the South by the seizure of half its earnings and the distribution of the proceeds in such a way as to double northern profits. Nullification was easily preached from that text.²

The memorial of the Philadelphia convention, with an additional one by Judge William Harper

¹ *Mercury*, January 4, 21, 1832; *Messenger*, January 11.

² *Mercury*, February 27, 1832.

and Professor Thomas R. Dew, was duly presented to Congress, but the course of the debates in the two houses gave strong indication that no item of protection would be remitted. The Committee on Manufactures, to which all the memorials and bills had been referred, at length reported a bill closely in accordance with Clay's wishes. This, of course, to the minds of the malcontents capped the climax of oppression.¹ As an added ground for indignation it was pointed out that Congress would probably pass the "mammoth pension bill," more to increase expenditures than to reward the patriots of the Revolution. The State Rights party was rapidly coming to agree with John C. Calhoun that though South Carolina, by inspiring a fear of interposition, had made some impression, it would not be sufficient to compel the oppressor to relax his grasp; no change in the attitude of the government would come, nor could the necessity of action be impressed on the other states, until South Carolina should interpose.²

¹ *Mercury*, March 6, April 5, 6, 1832; *Messenger*, March 21, April 4.

² *Messenger*, April 11, 1832. Calhoun Correspondence: Calhoun to J. E. Calhoun, December 25, 1831; Calhoun to A. Burt, December 27, 1831; Calhoun to R. K. Crallé, April 15, 1832.

The bill known by the name of Secretary of the Treasury McLane next occupied the attention of Congress, but it met no favor with the State Rights men; the Union men, however, seemed to accept it as satisfactory. William Drayton reported from Washington that the difficulty of securing a tariff adjustment had been greatly increased because the delegations from South Carolina and Georgia, with the exception of James Blair, Thomas R. Mitchell, and himself, were for maintaining the abstract principle of free trade by placing all duties at a uniformly low level, whether imposed upon protected or unprotected articles. He himself was striving for a medium between the two extremes—between uniform duties of 12 per cent and 15 per cent and the then existing high protective duties—and he believed that if the South Carolina congressmen would show any spirit of compromise, something might be accomplished to allay the excitement. But, after working several weeks in Congress, Drayton lost all hope; he felt that the Nullifiers were irresistible, and would remain so until the South Carolina citizens were brought to their senses by some tremendous blow.¹

¹ Poinsett Papers: Drayton to Poinsett, March 19, April 5, 13, May 2, 1832. *Patriot*, April 4.

When McLane's scheme of a tariff was presented, the *Gazette* pronounced it a compromise to which neither party could in reason oppose a single objection. It brought down the rate of duties to a scale to which, in the early stage of the controversy, the anti-tariffites gave a ready assent. This assent was given, however, only when they believed it impossible to get their demands satisfied. Believing that the majority of the Nullifiers cared less for the public than for their own personal good and were greedy for the clamor by which they maintained some little notoriety, this editor said that he would not be surprised if they should reject the very boon which they had once prayed for, and, taking new ground, refuse to accede to any measure which did not do away with the principle of protection and repeal the tariff entirely. They would certainly demand something too extravagant for attainment in order to continue to have a subject for clamorous excitement and agitation, which, while elevating individuals, had served most completely to prostrate the country and bring about that misery which they had been pleased to ascribe to any other than the proper cause.¹

¹ *Gazette*, May 8, 1832.

This prediction as to the demands of the Nullifiers proved in large measure true. They soon rejected the McLane bill on the grounds that it maintained the principle of protection to its full extent and that it was an open avowal that the American system was to be adhered to at all hazards. They believed that the Unionists accepted it simply because of an eagerness to seize on anything which would have the remotest tendency to prevent state interposition.¹

Next came the Adams bill, as a report from the Committee on Manufactures, which the State Rights men said was worse than the McLane bill.² The news that the Adams bill had been enacted reached Charleston while the two parties were holding their Fourth of July celebrations. When the Union orator, at the close of his address, announced "the gratifying intelligence" that "Mr. Adams' Bill" had passed, the news was received with a degree of enthusiasm that evinced the deep anxiety of the assembly for the preservation of the Union. When the State Rights orator, at the close of his address, also informed his audience of the passage of the bill and said

¹ *Mercury*, May 8, 9, 10, 1832; *Post*, May 10; *Messenger*, May 16, 23.

² *Mercury*, June 1, 1832; *Messenger*, June 16, 18.

emphatically that when such a bill as that was offered to them as a "concession," their only answer would be that of the American Congress when Great Britain offered conciliation, "We have counted the cost, and find nothing so intolerable as voluntary slavery," the sentiment was received with deafening applause.¹

Three South Carolinians voted for the passage of the bill—William Drayton, James Blair, and Thomas R. Mitchell. The State Rights press denounced them as "betrayers of the state." The Unionists did all in their power to get the bill accepted by the South and South Carolina. They pointed to what they called material reductions and remarked that a total abandonment of the system could not be expected at once. Drayton, Blair, and Mitchell were faithfully defended for wisely and patriotically accepting a compromise and thus alleviating an evil which they knew they could not entirely cure. The bill, they said, was to be merely temporary, and would soon be followed by new victories.²

¹ *Mercury*, July 7, 1832.

² *Mercury*, July 7, 16, 20, 21, 1832; *Courier*, July 6, 9, 21, 28, August 1, September 18, October 26; *Patriot*, July 11, 14, 27, August 24; *Journal*, July 14, 21; *Mountaineer*, July 28, August 4, September 22, October 13.

Many analyses of the bill were made to show that it had or had not reduced the tariff in such a way as to relieve the South. George McDuffie, indorsed by the State Rights press, asserted that the act just passed would take off duties amounting to between four and five millions, of which only about \$844,000 would be taken from the protected articles; but that the new requirement of cash payments would, on the other hand, add twice as much to the burden of the South as would be taken from it by the reduction in rates. And, said the *Mercury*, this was called "compromise," "glorious news," and hailed as a measure highly acceptable and beneficial to the South.¹

Just before leaving for home, the members of the South Carolina delegation in Congress, with the exception of the three who had voted for the Adams bill, drew up an "Address to the people of South Carolina." They reviewed the situation and concluded that all hopes had now indeed vanished. The signers² regarded the protective system as the settled policy of the country. They

¹ *Mercury*, July 28, August 24, 28, 1832.

² Robert Y. Hayne, Stephen D. Miller, George McDuffie, Warren R. Davis, J. M. Felder, J. K. Griffin, W. T. Nuckolls, R. W. Barnwell (*Messenger*, August 1, 1832).

left the question of remedy to the sovereign power of the state. The State Rights men rejoiced to see among the signers two men, Felder and Nuckolls, who had been regarded as Union party men, and who, not long since, had been among those who hoped for relief from Congress.

The Union men and editors who were willing to accept the Adams bill, at least temporarily, of course came in for censure and even for vilification.¹ The editor of the *Gazette* was kept busy refuting the charge that his paper had been corruptly influenced by the northern manufacturers and northern capital to defeat South Carolina's attempts at redress. The editor admitted, however, that he was not a believer in free trade in the absolute and radical sense of the term as used by Nullifiers, who, "between the summer and autumnal solstice," had become such sticklers that they were ready "to pull down the custom house, . . . hang the Yankees, burn the manufactories, elect Mr. Calhoun Emperor, make Dr. Cooper High Priest of the established church, etc."² The Unionists picked to pieces the address of the South Carolina congressional delegation

¹ *Journal*, February 18, 1832; *Messenger*, February 8.

² *Gazette*, January 6, 7, 1832.

(minus Drayton, Blair, and Mitchell) and declared that its leading statements were unsupported by fact. McDuffie's calculations to show that the new tariff was actually worse than that of 1828, which were accepted as proof positive by the State Rights party, were examined and declared to be full of unpardonable miscalculations.¹

The State Rights men now abandoned generalities. Before the last state election, in 1830, they had merely advocated a convention, some of them being willing to follow any plan it might adopt, others believing that once a convention were secured, nullification could be readily accomplished. During the year following their failure to get a convention they began gradually to preach nullification more openly. Toward the end of the year they had decided to rest on their oars until Congress furnished them new fuel; but by the middle of 1832 nullification became the one question, and the fine points, both pro and con, were debated as never before.

Early in 1832 the Union men called attention to the fact that the Nullifiers had thrown off the

¹ *Courier*, July 6, 9, 21, 28, August 1, September 18, October 26, 1832; *Patriot*, July 11, 14, 27, August 24; *Journal*, July 14, 21; *Mountaineer*, July 28, August 4, September 22, October 13.

mask and no longer thought it necessary to pretend love for the Union, as Robert J. Turnbull, Henry L. Pinckney, James Hamilton, Jr., and George McDuffie had done before. The most ominous feature of the situation seemed to the Union men to be the fact that the Nullifiers thought the public mind now prepared for any step. It was pointed out, with much truth, that the tone and spirit of the State Rights party had changed considerably. Its supporters now spoke in a bolder language and assumed higher grounds than they did twelve or eighteen months previously. Then the remedy was always spoken of as peaceful, and he who thought that the case was otherwise was laughed at for his ignorance; now it was admitted by many that there was great danger involved, but it was argued that dangers were as nothing when compared with present wrongs and injuries; that a crisis of some sort must be forced, and that, be the result disunion or revolution, South Carolina could not be worsted.

Though this was not the precise language of the State Rights men, the Unionists said that it was surely such as might be inferred from their most recent addresses, speeches, and essays.¹ There

¹ *Mountaineer*, March 17, 1832; *Gazette*, March 2.

appeared to be two parties in the country determined to bring the government to its grave—on the one side, the ultra-tariff party, with Henry Clay at its head, and on the other, the Nullification party, led by John C. Calhoun, were revealing their principles in a way that left no further chance of deception.¹ At least this was true by the middle of July, when the Nullifiers were universally espousing the address of Robert Barnwell Smith (Rhett) on the occasion of the issuance of the “Walterborough Manifesto” on July 4. No longer was it pretended that nullification was necessarily peaceful; it was freely admitted that civil war or disunion might result from it, indeed, would result, unless Congress and the states came to an agreement.² Even though admitting that revolution might ensue, the Nullifiers treated the perils, the bloodshed and desolation of such an outcome, as matters of no moment, and boasted

¹ *Journal*, May 26, 1832.

² Military companies took partisan titles, the “Jefferson Nullifiers,” for example. The Fourth of July was made a gala day by the party all over the state and enthusiasm reached fever heat. The ladies of the districts took sides and expressed their approval by the presentation of banners with original designs handsomely worked or painted (*Mercury*, July 2, 6, 21, 25, 31, October 13, 1832; *Messenger*, July 11, 19; *Mountaineer*, September 1).

that they would reap from it only a harvest of greatness and glory. To the Union men, however, such a turn of events seemed to promise nothing short of utter ruin.¹

Some of the Union men quite early predicted that such a fate was inevitable, because they believed that the State Rights party had the power of the state in its hands.² All, however, continued to fight hard for the cause, not willing to acknowledge defeat until the fall elections were over and had gone against them. They asserted that the veto by a state, proposed as a check upon "implied powers" itself involved a more unwarrantable "implied power" on the part of the state. The State Rights men replied that nullification was a substantive power which the states had never surrendered; it was an inherent, original right, and depended neither on implication nor construction of the Constitution.³

The Union men affirmed that the doctrine was new, speculative, and but lately developed. The

¹ *Mercury*, July 14, 1832; *Courier*, July 28.

² *Journal*, April 21, 1832. As election time approached, the State Rights men thought caution a better policy, and generally refrained from warlike expressions. They were accused by the Union men of trying to hide the fact that on the election was really to depend the fate of the Union (*Mountaineer*, September 8, 29).

³ *Mercury*, August 18, 1832.

State Rights men appealed afresh to the Virginia and Kentucky resolutions. They had used Madison as an authority until he denied that nullification was intended in any of the resolutions of which he was the author. They still clung to Jefferson, however, and told how Congressman Warren R. Davis had procured from among that statesman's manuscripts a document which proved that he favored nullification. But even if the theory were new, they said, it must be admitted that the practice had often been successful.¹

The Union men said that it was inconceivable to them how the language of Jefferson, that "nullification is the rightful remedy," could be construed to mean anything else than combined or united nullification by at least a majority if not the whole number of the states; that if a state could at pleasure arrest the laws of the federal government, the union was subverted. The State Rights men declared that it was only acts of undelegated power that the states might resist. Nullification, so far from subverting, would strengthen and preserve the Union and

¹ Massachusetts, Ohio, Pennsylvania, Connecticut, Georgia, Virginia, Kentucky, and other states were said to have used nullification successfully (*Courier*, July 18, 1832; *Mercury*, August 18; *Messenger*, March 28; *Post*, May 16, September 22).

was an essential principle for conserving the government.¹

The Union men held that if the right to nullify was possessed by one state, it must inhere in all, together with the means of enforcing it. But by what process could Tennessee nullify the tariff acts? She had no ports which she could declare free. The State Rights men answered that, in the first place, South Carolina rights did not depend on whether Tennessee had a seaport or not; and that, secondly, Tennessee could nullify by resolving to support a seaboard state which nullified.

The Union men contended that there was no such potency in state sovereignty as the Nullifiers ascribed to it. It could not, by any action of the legislature or convention, confer on the citizen any right to resist the legislation of Congress which he did not possess without such action. The federal court might interfere, and citizens resisting the operation of the tariff act might be tried for treason against the United States. To

¹ *Patriot*, March 22, 1832; *Courier*, May 5, July 3, October 27. Said the Nullifiers: "By arresting the operation of unconstitutional laws it brings the government back within its legitimate sphere, checks the career of profligacy and corruption, removes the causes of sectional jealousy and hatred, causes the government to be administered as it should be, with equity, impartiality, and purity, and thus assures the harmony of the people and the durability of the Union."

this it was replied that individual resistance to the tariff had proved unavailing before the federal court, but that fortunately there was protection furnished the citizens in the sovereign power of the state. If the people of the state had no right in convention to sit in judgment on the tariff and to enforce that judgment within their own limits, then the people were to be pitied and South Carolina was "a mere petty corporation, without power or authority, a mere footstool of the federal government."

The citizens of South Carolina owed no allegiance to any government on earth which was at all incompatible with that which they owed to the state. He who committed treason, therefore, would be he who opposed the state and sided with the government with which she was contending; it would be he who attempted to enforce the acts which the state had solemnly declared should not be executed within her limits. The action of the state would not be confined to authorizing her citizens to resist the tariff law, but would prevent any of them from obeying it. There was potency enough in the sovereignty of the state, not only to protect those who might resist the tariff against the federal court, but to prevent its most devoted

supporters from attempting to enforce it.¹ And yet the State Rights men continually argued that the cry of war and bloodshed as a result of nullification was all beside the mark, for nullification as a remedy had been contemplated and purposely left available by the framers of the Constitution, and it was one that would procure the redress of grievances easily and peaceably. The use of force to bring a nullifying state into subjection to the general government seemed to them a usurpation too flagrant to be worthy of contemplation.²

A long letter by John C. Calhoun to Governor James Hamilton, Jr., dated August 28, 1832, was printed widely in the South Carolina press and was looked upon by the State Rights party as the last word on the theory of nullification. It was believed to establish, as clearly and conclusively as any political proposition could be established, not only the federative character of the Union and the right of a state in its sovereign capacity to nullify the usurpations of the federal government, but also the idleness of the apprehension that the central authorities could either

¹ *Mercury*, August 17, 22, 1832.

² *Mercury*, March 24, July 17, 1832; *Messenger*, May 30, August 29.

coerce South Carolina into submission, or punish her assertion of her rights, by abolishing the Charleston port of entry.¹

To the Union men, however, Calhoun was not of unimpeachable authority. His Hamilton letter was picked to pieces and every position he took severely criticized. These writers agreed with Calhoun that the Constitution was a compact between states, who were sovereign and free to accept or reject it. But they held that through its convention each state in accepting the Constitution had bound all its citizens to the new obligations of the Union and relinquished all authority to determine whether a certain power exercised by the general government was or was not granted by the Constitution. They denied the analogy which Calhoun set up between the federal Constitution and a treaty between sovereign nations, saying that the ratification of the Constitution had not been a purely international transaction; that its completion had effected an essential change in the political condition of the inhabitants of the states ratifying it; that a transfusion or a mutual interchange of rights and duties had taken place, commingling, in a political

¹ *Mercury*, September 26, 1832; *Messenger*, September 15.

sense, the contracting parties, both as bodies corporate and as individual citizens; and that the provisions of the Constitution had created a direct and immediate connection between the citizens and the general government in all cases where such immediate connection could be useful or necessary, all assertions to the contrary notwithstanding. The Union men tried to show the absurdity of a contract between the states which allowed each state to interpret the obligations of the Constitution at all times conformably to its own views and interests, whatsoever detriment the other states might receive or whatever advantages the nullifying state might derive "from the interposition of its uncontrollable self-will, styled sovereignty." Such a right, they said, would not have been left by the framers of the Constitution to be assumed by implication. The members of the Calhoun faction were great sticklers for a strict construction. Very good, said the Union men, "let the grant be shown and the controversy ended."¹

The *Courier* could account for such a theory coming from Calhoun on only two possible

¹ *Courier*, October 18, 1832, and succeeding issues during the next two months; *Mountaineer*, November 3.

grounds. If he were sincere, the doctrine might be classed among the aberrations of genius from the beaten track of reason and common-sense. "It is the property of great minds to give birth to great errors; genius is proverbially the subject of strange hallucinations. Great men have had their followers amidst the wildest vagaries of their philosophic madness." So, possibly, had it been with Calhoun; misled by the charms of hypothesis, he had ushered nullification into existence with the public sanction of his name, and worshipers were at once found for this monstrous creation of his political frenzy. But perhaps this conclusion was reached in a spirit of too great charity. The only other explanation, then, must be that Calhoun saw the full meaning of the theory and stooped to a deception to accomplish some purpose of unhallowed ambition or misguided patriotism. Was there not reason to believe that he knew full well that nullification was essentially revolutionary in its nature and that it was nothing more nor less than disunion in disguise?¹

The Union men also answered that surely a state could not be both "in and out" of the Union with respect to certain powers clearly delegated

¹ *Courier*, October 27, 1832.

to the general government without limitation; that the state could not say that it would be "in" the Union so long as the power was exercised to a certain extent, and then say that it would be "out" if the power were exercised beyond that limit.¹

The *Courier* ran a series of speculations on treason which caused no little excitement among Nullifiers. The editor asserted that citizens as individuals, not as a state, owed a double allegiance, to the state and to the United States, and that the question so frequently put by the Nullifiers with an air of triumph, "Can a sovereign state commit treason?" was an idle one; for treason was an offense which could be predicated of individuals only and had no application whatever to communities. He said further that a state could not, unless it left the Union, authorize its citizens to make war against the United States, without subjecting them to the pains and penalties of treason; that is, that state interposition could not render lawful that which would be treason in individuals; that the citizens of every state in the Union were also citizens of the United States, and that, until they were absolved from

¹ *Patriot*, February and March, 1832.

their allegiance to the latter, the levying of war against the United States, whether under individual or state auspices, would amount to treason under the Constitution.¹

The competency of a state convention to dissolve the connection of South Carolina with the Union was not denied by the Union men; but the power of such a convention to annul a law of Congress, they argued, could not be sustained. Such a convention by assuming judicial functions, as it must do in so far construing the Constitution of the United States as to pronounce an act of Congress contrary to that instrument and therefore not binding on the citizens of South Carolina, would arrogate to itself a right not given to it even by implication or deduced from analogy or true theory; for no convention was competent to release the citizen from his allegiance to the federal laws "in part." It was within the power of such a body to release him from his obligation to obey those laws *in toto*, as well as the great organic law, the Constitution, by virtue of which they were passed. Was it not preposterous, it was asked, to confound an exercise of judicial power with the exercise of popular supreme

¹ *Courier*, August 20, 1832.

power?¹ The Union men insisted that their opponents were forced to admit that a state convention could not go counter to the federal Constitution, and yet that these same opponents tried, in a most amusing manner, to justify the incompatible power of a state convention to violate the federal Constitution and bind the citizens of the state to acquiesce in the violation. The Union men pronounced the contradiction "too palpable for the subtlest power of sophistry to gloss over or disguise."²

¹ *Patriot*, September 18, 1832.

² *Courier*, November 15, 1832. The *Mercury* and the *Courier* debated this question back and forth until the *Courier* said: "The *Mercury* very prudently declines the further prosecution of a controversy in which it had involved itself in an inexplicable paradox. A Constitution paramount to a convention and yet that convention paramount over the citizen in contravention of the Constitution, is not a matter of every day comprehension; it can only be understood in certain phases of the moon. If we now understand the *Mercury* aright, a state in convention is only amenable for her misdeeds to the law of nations. This is a denial, instead of an admission of the paramount authority of the federal Constitution, and is merely the assertion of the right of revolution or secession. If the convention should place the state out of the pale of the Union, there would be great reason in the argument of the *Mercury*, that every citizen would be bound to adhere to the state in opposition to every other power. But not until then. If that is the intention of the *Mercury* party, then was the Columbia writer very near the truth when he proclaimed that the Union was already dissolved" (*Courier*, November 17, 1832).

The Union men delighted in forecasting the practical operation of nullification as the best means of showing its certain result.¹ In the first place, a state convention was to be called. This convention was to declare the tariff unconstitutional and therefore null and void. The legislature was then to pass an act to carry into effect this decree of the convention. Following this, actions of trespass would be commenced against the custom-house officers for the goods imported. These actions would be tried in the state courts, and when the verdicts had been found for the importing merchants, the sheriff would be ordered to enforce the verdicts and take the goods. This would be the operation of nullification. Next they examined the difficulties with which it was environed, and then asked the people to decide whether it was a peaceful and efficient remedy. Let it be supposed that an importing merchant were found willing to commence the action of trespass and incur the expenses of a heavy lawsuit, with deprivation of his goods for a twelve-month; also, that a jury were found which would

¹ *Mountaineer*, September 29, 1832. *Perry Collection*, Vol. IX, pamphlet giving a speech by Joel R. Poinsett at a public meeting at Seyle's, Charleston, October 5, 1832.

return a satisfactory verdict; then the case would have to be sent up to the federal courts for adjudication, inasmuch as the validity of an act of Congress was questioned. There could be no doubt that the federal court would reverse the verdict. But it was said that the state court would violate the judiciary act and refuse to certify the case. The sheriff would then, it was affirmed, take the goods and deliver them to the merchant. But suppose the custom-house officer, as in duty bound, would not give up the goods until the duties were paid. If the sheriff should make use of force, the custom officer would also use force to resist him, and this would begin a civil war in Charleston.

But even supposing that the custom-house officer would give up the goods and leave his post, and that the port of Charleston were opened and the duties ceased to be levied there; if the general government remained passive, the whole foreign trade of the United States would center there; goods would pour into this port from all the manufacturing nations of the earth, to be exported to all the ports of the neighboring states, where the tariff would remain in force and the duties consequently would be higher. But how

long could the government of the United States permit such a state of things to exist? Could that government, deriving its revenues chiefly from duties and imports, long exist under such a state of things? Would not the clamors of the other states for relief from the sufferings occasioned by the loss of foreign commerce compel the general government to take the most energetic measures? As the most effective measure, South Carolina ports would be blockaded. This could not be prevented, for South Carolina had no navy. Would she call on England? Would she go back to her former colonial vassalage and bow to the scepter of a king? But England would not incur the displeasure of twenty-three states for the favor of one; she would not involve herself in a war with the United States for the commerce of South Carolina. There was no need to carry the argument farther. Let it be as it might, either the result at last was conflict of arms or the remedy was worthless. But, to go one step farther, suppose the Union were broken; the states would continue separating until the more wealthy and powerful should subdue the poorer and weaker; a struggle would thus follow which must terminate in the establish-

ment of despotic governments throughout the continent.

One of the points upon which the State Rights men relied to demonstrate that South Carolina was justified in taking extreme measures of redress was the allegation that, because of the oppression under which the state suffered, she was in a ruinous condition of decay. They declared that it was notorious that every kind of property had fallen greatly in value; that all classes of her citizens were embarrassed; that South Carolina's commerce was expiring, her agriculture depressed, the spirit of enterprise gone; that emigration was alarmingly increasing—in short, that South Carolina, once so prosperous and happy, now exhibited the most melancholy evidences of a general decay. And why was this? It had all arisen from an artificial, sectional, and tyrannical system of legislation, by which the state was crippled in order that northern manufactures might increase, and drained of her resources in order that the West might be provided with roads and canals.¹

There was, however, abundant testimony contradicting the statements concerning this decay

¹ *Mercury*, March 8, 1832.

and its causes. Long editorials asserted the prosperity of Charleston, and others asserted that the fall in the value of lands in the state was due, not to the tariff, but to the immense and extraordinarily fertile area made available in the southwestern country, which was draining the Southeast of its population and reducing the price of cotton.¹ In support of his assertion of prosperity, one writer said that there had been more luxuries imported into the state during the last two years than ever before; that more money was being expended upon elections and the vices incident thereto. Among several prosperous planters whom he named as examples, one was "a zealous Nullifier" who had recently complained of the slow progress of the railroad which was being built from Charleston, and who, when it was suggested that he spur on the work by hiring out to the builders a hundred of his slaves, replied that it would make the difference of \$20,000 in his income. The railroad contractors would have given him \$12,000; he must therefore have made from his plantations \$320 net to the hand. To

¹ *Gazette*, August 22, 1832; *Mountaineer*, September 22. *Niles' Register*, December 1, printed the speech by Joel R. Poinsett, October 5.

the writer, the very fact that the railroad contractors were offering to pay \$120 per hand per year, payable monthly, and could not procure them, was sufficient to prove the fallacy of the assertion that the people were not able to live upon the present produce of their labor.¹

It was admitted by the Union men that the South suffered somewhat under the tariff, but they thought that the evils thus suffered were light when compared with those brought on by the continued agitation in which the state was kept by the advocates of nullification. Foreign merchants, they said, would not send their goods to South Carolina at such a time; real estate was of no exchangeable value; peaceable citizens left for other states; and society in general was disrupted.²

¹ *Courier*, April 26, 1832.

² *Niles' Register*, December 1, 1832, speech by Joel R. Poinsett, October 5. The *Courier* published a letter from a commercial house "of high respectability" in New York, on December 8, showing the "bad commercial effects of the prevailing madness of South Carolina on Charleston." It was no longer considered safe, the writer said, to do business in Charleston; he canceled all orders for cotton and rice not already executed, and asserted that many houses were transferring orders from Charleston to Savannah, Mobile, and New Orleans (*Niles' Register*, January 5, 1833).

On the other hand, a report of a meeting of Columbia merchants stated, in contradiction to rumors, that they did not find any

One editor, in commenting on the attribution of the North's prosperity and the South's decline to the tariff, was bold enough to suggest that, if such a difference existed, it might be due to the fact that the northern people were an industrious, frugal, and economical people, while the citizens of the South were, on the contrary, idle, extravagant, and uncalculating in the management of their business. He would not admit, however, that the condition was as deplorable as the Nullifiers would have liked to make the people believe, for provisions and necessities of life were cheaper, and the people were living more plentifully, than ever before. It was true that they could not make as much money as formerly, but one dollar would purchase as much as two would fifteen years before, when the pro-embarrassment in credit on account of the political situation, either among the wholesale merchants of South Carolina or neighboring states, or among those of Europe (*Messenger*, January 9, 1833).

As for Charleston losing her commerce, or rather, not advancing so rapidly as northern ports, she simply could not compete with the northern commercial ports. The merchants themselves recognized this, and in an attempt to revive commerce investigated a project to establish a line of ships for direct trade with Great Britain and Havre. A chance was here presented for a revival of the languishing art of shipbuilding in Charleston, for a Charleston firm was figuring on the ships (*Courier*, June 1, 1831).

perity of the region was said to have been much greater.¹

The State Rights and Free Trade associations neglected no opportunity that could furnish publicity for their doctrines. They secured control of *Miller's, Planters', and Merchants' Almanac for Carolina and Georgia* for the year 1832 and the year following.² They changed its name to the *States Rights and Free Trade Almanac*, and announced on its title-page that it contained "the usual astronomical calculations and local information, together with moral and political maxims and extracts." Upon nearly every page of the statistical section appeared some short sentence or paragraph asserting in pointed style the evils

¹ *Mountaineer*, September 22, December 1, 1832. *Niles' Register*, March 16, 1833, ironically commenting on the "dreadful suffering in South Carolina," noticed that the Charleston races had been uncommonly well attended, with great display of fashion and wealth; and the *Mercury* of March 1, 1833, announced that \$35,000 had just been refused for the horse "Bertrand," though that sum was exactly ten times as much as was given for him by his owner. *Niles' Register* remarked " 'Taxed . . . 40 bales of the hundred,' and yet able to pay \$35,000 for a horse!" The *Register* further noticed that "the friends of Julia, by Bertrand, dam Transport," etc., had challenged a race against her for \$10,000, not excepting any horse in the United States.

² The Charleston Library Association has a complete file of this almanac from 1828 to 1861.

of the tariff and the paramount sovereignty of the state. There were added several pages of tables showing the duties on articles of daily consumption, and devices to prove that the tariff in effect reduced the price of cotton to the planter by about one-half. In fact, the almanac this year was really a State Rights pamphlet, with the usual almanac material interspersed among statements of the tenets of the party. Thus when a planter, mechanic, or merchant consulted the almanac to learn when to plant cabbages, how to cure malaria, when boats would leave, or who were the officers of a certain bank, he would be greeted with reminders of the State Rights doctrine.

The various State Rights associations held meetings regularly every month and many special ones when occasion warranted calling them. Their orators harangued the members at great length and with ever-increasing vigor and spirit. Addresses in great numbers were issued to the people and nearly every meeting passed pompous resolutions for publication.¹ In some places joint debates were held. Sometimes a meeting called

¹ *Mercury*, January 14, February 15, April 4, 16, 28, June 19, 28, July 2, 6, 21, 25, 31, October 13, 1832; *Messenger*, January 25, March 7, April 11, June 27, July 11, 19; *Mountaineer*, September 1.

by one party would be attended and overpowered by the opposition. Again, if an apparently non-partisan meeting was called, it would break up into two meetings before much business had been transacted.¹

In some localities the State Rights men seemed to be prepared to go faster than the main body of the party. As early as April some went so far as to propose a spontaneous election of delegates to a convention at once, without waiting for the adjournment of Congress or the meeting of an extra session of the state legislature. The party as a whole recognized that this would be unconstitutional, and instead promoted local petitioning to the legislature for a convention and general campaigning for the October elections of assemblymen. The convention became ostensibly the issue again, but most State Rights men meant by it a convention for nullification and nothing else. Others there were, however, who wanted the question to be left freely and openly to an unpledged convention, to the decision of which, whether for nullification, a southern convention, or unqualified submission, every citizen should yield assent.²

¹ *Messenger*, August 29, September 5, 12, 26, 1832.

² *Mercury*, April 30, July 31, 1832; *Messenger*, August 1, 22.

The Union party was not to be excelled. It, too, held numerous meetings, issued addresses, held celebrations when occasion warranted, gave dinners and barbecues, and listened to long addresses by its orators. In Charleston, since the old societies (the '76 Association, the Cincinnati Society, the Revolutionary Society) had come to be controlled by the Nullifiers, the Union men formed a new one, which they named the Washington Society.¹

When any person went over from one party to the other, the party which gained the recruit heralded the fact over the state as a sign of the continued growth of its numbers. Each side was prone to claim all the intelligence, stability, virtue, and patriotism of the state, though at least one editor believed that the most talented, patriotic, and virtuous sons of Carolina were about equally divided between the two parties. Where there were so many distinguished and honorable persons—ex-governors, judges, members of Congress, and distinguished members of the legislature—to be found in the ranks of each party, it

¹ *Courier*, June 14, July 6, August 25, September 12, 25, 27, October 2, 1832; *Messenger*, January 25, September 12, 26; *Journal*, August 18; *Mountaineer*, September 15.

was surely unwarranted for either party to cast imputations on the other.¹

Early in the year the Union party began to suggest that, in case the Clay tariff prevailed, the entire South should act. The Unionists would support a state convention provided that it would only endeavor to promote a southern convention, for only such action would be effective. The Unionists believed that, had the doctrine of nullification never been ushered in, the South, under the common feeling of a common wrong, would long since have acted in concert and obtained by a dignified but determined course that redress which the intemperate efforts of South Carolina had almost indefinitely postponed. Until South Carolina abandoned her delusion and the South met in convention, no success could be gained.²

When General James Blair, a prominent Union man, declared that unless the present session of Congress should relax the system of injustice of which the South complained, it would be advisable for the complaining states to meet in solemn conference on the subject and make a concerted appeal to the justice of the general government,

¹ *Mountaineer*, March 17, April 21, 1832.

² *Gazette*, March 7, April 17, 1832.

and that, if that appeal should be disregarded, they ought to consider the grave question whether actual secession would be preferable to a longer continued endurance, the Nullification party seized upon this as an occasion to assert that the Unionists were the ones who were really advocating secession and the breaking up of the Union, while they, the Nullifiers, were the true lovers of the Union, anxious to preserve it, and prepared with a plan which would do so.¹ The Union presses justly ridiculed this attempt to shift the charge of secession.

The Nullifiers also argued against a southern convention on the ground that it would violate the constitutional prohibition of compacts between states. The Union men answered this objection by pointing out what would probably be the character and course of such a southern convention. It would assemble for deliberation as to the best mode of effecting a repeal of the tariff act; and it would apprise the tariff states of the determination of the anti-tariff members of the Union to withdraw from the compact and form

¹ Blair seems to be given credit for the suggestion of a southern convention (*Journal*, April 28, 1832; *Gazette*, March 7; *Mountaineer*, May 5; *Mercury*, May 16).

a separate confederacy should the obnoxious measure not be repealed within a given period. There would be no compact, treaty, or instrument of alliance of any kind attending this first stage of the proceedings. If the tariff states should disregard this plain warning, then the very first proceedings at a subsequent southern convention would be a solemn act of separation. Thus far, accordingly, there was nothing to be adopted in the form of a compact, treaty, or agreement. Such an instrument, declaring the mutual duties and obligations of the contracting parties, in case coercion were attempted, would be the necessary accompaniment of the act of separation and not a measure preceding it.¹

Langdon Cheves, who was for a time claimed by both parties, came out in favor of the Unionists on this proposal. Cheves believed that the southern states could constitutionally meet in convention to deliberate, if not to act. He believed, moreover, that a union of the aggrieved states and people was the only safe or hopeful measure of redress. The condition of party division in South Carolina appeared to him an

¹ *Mercury*, May 4, 1832; *Messenger*, May 16; *Patriot*, May 4; *Journal*, May 12.

unfortunate development for which there was no necessity. Rashness, excitement, and fanatical zeal for the welfare of the state and section had caused both parties to assume positions which neither would naturally have taken; the result was that the menace of each was greatly exaggerated in the eyes of the other. The Union was in no real danger from the State Rights party, he believed, unless the Union party should rely solely upon a foolish appeal to affection for the Union and should propose no active measure of redress; by moderation and wisdom it should endeavor to check the too great zeal of the State Rights party, instead of denouncing its motives. Too long had one portion of the people been exclusively engaged in pushing forward the plan of nullification, and the other in the contemplation of its dangers. The proposal for a southern convention, he believed, was one which might earlier have united both parties, and it might even yet unite the people of the state, though he feared it had come too late. In the hope that it would unite the people sufficiently to avert separate action, he heartily supported it. The strongest argument for a southern convention was, to his mind, the tendency it would have, by reason of

the moral force of united counsels and resolves, to effect the redress desired and thereby prevent violence, secession, and disunion.¹

The State Rights men objected that the Union men were talking about a southern convention merely to gain time, to divert the attention of the people, and to prevent the state from acting. It would lead to unqualified submission to the tariff, and both Congress and the North would at once recognize the adoption of the southern convention plan as a surrender.²

The Union meetings began so universally to approve of the southern convention plan that by the middle of May it was hailed as the official platform of the Union party. Then it was soon decided to have a Union party convention at Columbia in September to consider the expediency of a southern convention, in case Congress should adjourn without passing a satisfactory tariff law. Union meetings at various places began to appoint delegates to the party convention. When this procedure continued after the Unionists had largely professed satisfaction with the Adams

¹ Pamphlet containing letters by Langdon Cheves to two committees in charge of dinners given in honor of James Blair in August, 1832, in Sumter and Kershaw districts.

² *Mercury*, May 5, June 14, 1832; *Messenger*, June 20.

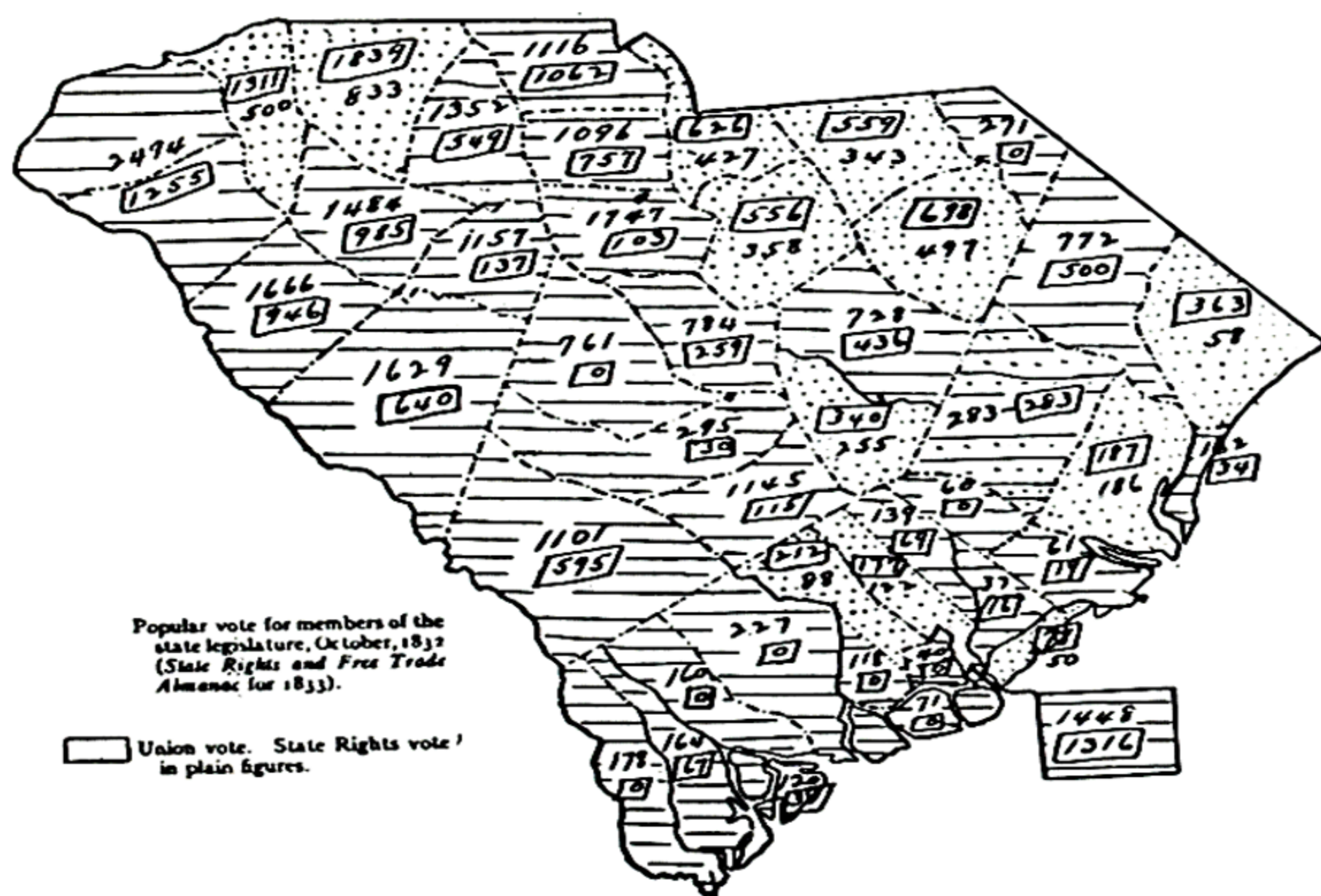
tariff law, the State Rights men asked if they thought that a southern convention should resist an act which they considered satisfactory, or should secede from the Union because "a great bill of compromise," as the Union men called it, had been passed. They declared it simply a scheme to put down nullification.¹

The Union party convention met at Columbia on September 10. It was attended by about 160 delegates from the various districts and parishes.² As a result of their deliberations, an address and a set of resolutions were adopted. They denounced nullification, but expressed a readiness to unite with the State Rights party in any constitutional resistance to the tariff. In case of concurrence on the part of Virginia, North Carolina, Georgia, Tennessee, Alabama, and Mississippi, they proposed a convention of the "citizens" of those states, to be elected by districts; the Columbia meeting pledged itself to abide by the measures decided upon by such a convention, and nine of the most distinguished men of the party were appointed a committee to correspond with and act

¹ *Mercury*, May 14, August 14, 1832; *Courier*, June 14.

² There were from 1 to 18, with an average of 6, from each district or parish (*Courier*, September 13, 1832).

as delegates to the legislatures of the southern states, to solicit co-operation in the efforts to call a southern convention.¹

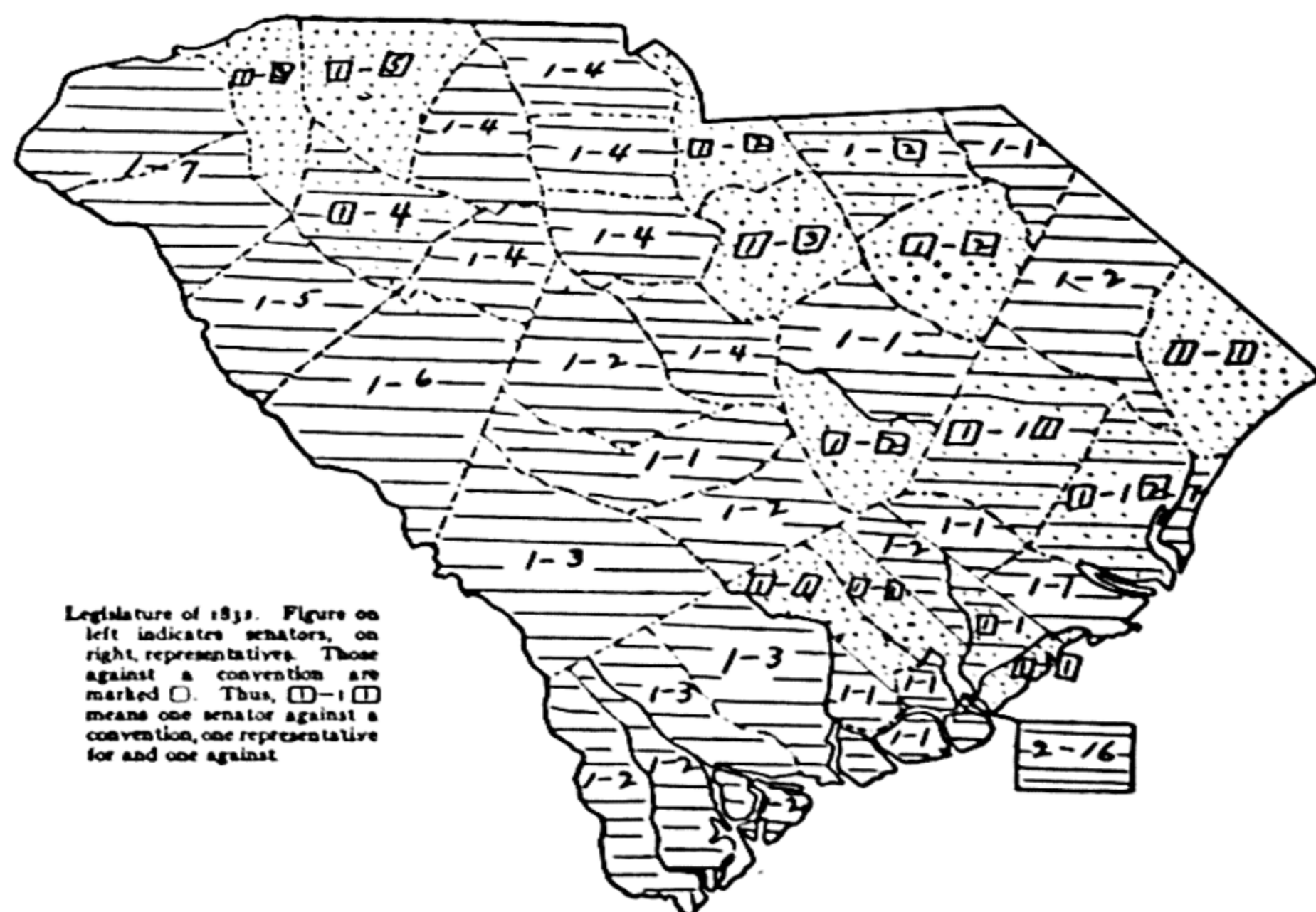


MAP V.—Popular vote on state convention, 1832

Again the city campaign in Charleston was to serve as a curtain-raiser for the state election contest, and both sides made great efforts to win.

¹ *Courier*, September 15, 1832; *Mountaineer*, September 22. The men appointed were Judge Daniel E. Huger and Joel R. Poinsett, to go to Virginia and North Carolina; Governor Middleton and Mr. King, to go to Tennessee; Judges Joseph Johnson and J. B. O'Neill, to go to Georgia; Judge William Smith, Judge J. P. Richardson, and Mr. Creswell, to go to Alabama and Mississippi.

The State Rights party again elected its whole ticket, by a majority of about 160, and it immediately interpreted this to mean that Charleston had unequivocally and emphatically shown that "the spirit of nullification" was "fixed and



MAP VI.—Legislature of 1832, for and against convention settled." It promptly held a "civic festival" in honor of the victory.¹

During this campaign an incident occurred which throws some light upon the tactics used. One Peter J. Staunton met his death, so the jury

¹ *Mercury*, September 1, 5, 7, 1832.

of inquest held, by leaping from a third-story window of a house on Queen street in which he was forcibly detained. The *Mercury* charged that he was being held there with a number of other prisoners, to be kept intoxicated until after the election, and that after the accident the Union party held a meeting and sent a committee to the executive committee of the State Rights party to arrange an exchange of prisoners; but the latter had no such persons and those held by the Union party were released. Similar charges, however, came from the other side.¹

¹ *Mercury*, September 3, 1832. The next day the *Patriot* denied the story; the *Mercury* editor then backed down somewhat, saying that he had printed the story as told to him by citizens of the highest character. At any rate there seems no doubt that, though persons may not have been actually kidnaped and held prisoners, they were kept under the influence of alcohol, that they might vote as their trainers desired. Conditions were so bad that after the election both parties united in an effort to purify the elections. Committees were appointed by both parties to act together and draw up an agreement to put down election abuses (*Mercury*, September 8, 13, 15). The agreement evidently was not kept in the following election, for a gentleman in Charleston wrote on October 12, 1832: ". . . the Union party were defeated in Charleston by about 130 majority. The fact is, the Union party is the strongest and most respectable, but the Nullies are the rabble, and are, however, headed by some men of first rate abilities.

"For weeks prior to the election we had 'all sorts of times' here. Each party had public meetings and suppers every night. . . . On Saturday our party had another meeting and supper, and as some of

Though defeated in the city election, the Union party tried bravely to rally for the state election,¹ but it was doomed to disappointment. The returns showed that the state had declared for a state convention; and a convention, with the State Rights men in control, seemed to the Union men to spell nullification; and nullification meant war and the beginning of a series of disasters which would destroy South Carolina. Nevertheless, most of the Unionists felt in duty bound

them were returning they were attacked with clubs, etc., by a mob of Nullifiers. The Union men, not dreaming of an attack, were altogether unprepared, but they soon rallied, and by breaking off the branches of a number of trees in the neighborhood, declared themselves ready for battle, but through the persuasions of the leading men of both parties, all were induced to retire home.

"During the whole of Sunday both parties kept open houses and the Union party had a meeting in consequence of hearing that the Nullifiers had 27 of our men drunk and locked up. A committee was dispatched to them, giving them till five o'clock to release their prisoners, and threatening, if they did not, that the house in which they were confined should be razed to the ground. Hooks, etc., were deliberately procured for the purpose, and the Nullifiers, seeing our determination, gave up the miserable men they had captured" (*Niles' Register*, November 24, 1832).

The Charleston *Patriot* of September 10 told of a mob of Nullifiers who, led by one Winges, attacked the home of a Union man, John Schachte, and threatened to pull it down. A shot was fired and Winges was wounded (*Niles' Register*, October 27).

¹ *Patriot*, September 5, 1832; *Gazette*, September 5; *Courier*, September 5.

to stand by the state. The only consolation they had was the fact that the awful responsibility was not upon themselves.¹ Such was the attitude of the Union men immediately after the election, when they interpreted the State Rights victory to mean an immediate clash with the United States government. They would support the state in revolution. Later, however, when they realized that the state was not to revolt openly, but that nullification was to be tried, they determined not to support such a step.

A plot of the vote shows clearly that there was no marked sectionalism in the vote. The supporters of each party were distributed nearly equally in both the interior and the coastal sections.²

¹ *Gazette*, October 1, 1832; *Mountaineer*, October 13; *Journal*, October 20.

² See Maps V and VI and p. 107, n. 3.

CHAPTER VI

NULLIFICATION ADOPTED (1832)

Immediately after the result of the election was known, Governor Hamilton issued a proclamation for an extra session of the legislature to convene on October 22. The plan was to have the convention meet and act before Congress should meet.¹ Some of the Union papers soon questioned the constitutional right of the governor to call the extra session, and of the newly elected members to attend. The governor took the precaution of getting unofficial advisory opinions of the judges of the court of appeals; they agreed unanimously that the newly elected members might be convened. Since a majority of these judges were of the Union party, the State Rights men concluded that those who raised the objection did so simply to cause as much embarrassment as possible, now that it was ascertained that the state would act.²

¹ *Messenger*, October 10, 1832.

² *Mercury*, October 12, 1832; *Courier*, October 15; *Gazette*, October 20; *Messenger*, October 24.

The legislature convened on October 22, and an act was passed on October 25 calling for a convention to meet on the third Monday in November. Delegates were to be elected on the second Monday and Tuesday in November, and each election district was to elect delegates in number equal to its state senators and representatives. The bill passed the House by a vote of 96 to 25, and the senate by a vote of 31 to 13, just as was predicted from the election returns. The legislature adjourned at once, postponing all other business to its regular meeting at the end of November, when it could pass such acts as the convention should recommend. The action was unhesitating, and apparently an early adjustment of the difficulty was not expected, for the attempt was made to provide for such contingencies as might arise from the continuation of the convention for one year.¹

After the Nullifiers had captured the legislature by a majority sufficient to call a convention, they suggested that the Union party should abandon all opposition. The *Mountaineer* at once declared that such a request was inconsistent on the part of

¹ *Mountaineer*, October 27, November 3, 1832; *Mercury*, October 27; *Niles' Register*, November 3.

the Nullifiers, who were reminded that hitherto their doctrine had been that the minority had rights and that governments were established for the protection of minorities.¹ The Union members of the legislature, the Union State Rights and Jackson party, as they sometimes called themselves, held a caucus in Columbia and asked the party men in each district to endeavor still to save the country by supporting a Union ticket for delegates to the convention. The *Mountaineer* urged the Union men in those districts where they had a majority to elect delegates, and in the doubtful ones not to give up the contest too soon. It also recommended that the leading men of the Union party be sent to the convention from the districts irrespective of their residence, so that the party would be represented by as much talent and weight of character as possible. Many now seemed to think that nothing would be done by the convention until after another session of Congress and that in the meantime a few strong men could do much to undeceive the people. In Charleston, however, the Union party central committee decided to offer no candidates. In some other districts there was no opposition to the State

¹ *Mountaineer*, October 20, 1832.

Rights tickets, but in a few the Unionists elected their men.¹

The question was soon raised as to what position the Union men would assume toward the convention; they gave an immediate and unequivocal answer, which was in consonance with the doctrines to which they had clung. In the first place, they wanted it clearly understood that they would not directly or indirectly sanction any act of nullification passed by the legislature or the convention. Suppose the federal and state governments should come into forcible and violent collision, which must the citizen obey? The Union men announced that when South Carolina should think proper to reclaim their allegiance by an act of secession, they must either obey the behest of her sovereign will or expatriate themselves; but that, so long as South Carolina admitted the Constitution and laws of the United States to be the supreme law of the land, anything in her own constitution and laws to the contrary notwithstanding, they would be constrained to uphold the paramount authority of the Constitution and laws

¹ *Mountaineer*, October 27, November 3, 17, 1832; *Messenger*, November 14; *Mercury*, November 1, 10; *Courier*, October 29; *Niles' Register*, November 10.

of the Union. Nullification was to them incompatible with the federal Constitution and utterly at war with the very nature of the government, fatal to the uniformity of its operation, destructive of its efficiency, and calculated to produce irremediable anarchy and confusion. They must therefore oppose it.¹

The State Rights party then claimed that the Union leaders had pledged themselves to go with the state when she should decide to nullify; the Union men answered that they had given no such promise, but had pledged themselves to go with the state if she actually seceded from the Union. But suppose South Carolina, through the State Rights majority, should attempt to force the Union minority by pains and penalties to disobey the laws of the United States before she had absolved her citizens from their allegiance to the Union. The Union men protested that she would be placing her sons between treason on the one hand and confiscation on the other, and that such a course would inevitably lead to a civil war.

On November 19 the convention met at Columbia and within a few days adopted a series of important documents as the expression of the

¹ *Mountaineer*, October 27, 1832; *Courier*, November 3.

sovereign will of the state.¹ The report of the "Committee of Twenty-one," written by Robert Y. Hayne, reviewed the history of the tariff and gave the grounds upon which its constitutionality was contested; it related how, in spite of the South Carolina protests, Congress had deliberately passed an act which removed the revenue duties and retained the purely protective ones. It declared South Carolina to be a sovereign state, recognizing "no tribunal upon earth as above her authority"; true, she had entered into a "solemn

¹ *Courier*, November 28, 1832; *Journal* of the Convention of the People of South Carolina assembled at Columbia, November 19, 1832, and again March 11, 1833 (published in pamphlet form); see also 22d Congress, 2d session, Document No. 45 of the House; message of the President on the state of the Union, with 14 accompanying documents, January 16, 1833; (1) report of the Committee of Twenty-one to the convention of South Carolina; (2) an ordinance of the convention to nullify certain acts of Congress; (3) address of the convention to the people of South Carolina; (4) address of the convention to the people of the United States; (5) message of Governor Hamilton to the legislature of South Carolina; (6) inaugural address of Governor Hayne to the legislature; (7) an act to carry the ordinance, in part, into effect, called the replevin act; (8) an act to provide for the security and protection of South Carolina; (9) an act concerning the oath required by the ordinance; (10) proclamation of the President of the United States; (11) instructions of Secretary McLane to the collector of the customs at Charleston; (12) letter of Secretary McLane to the United States district attorney at Charleston; (13) proclamation by the governor of South Carolina; (14) military orders of the adjutant-general and captain of the Richland Volunteers.

compact of Union with other sovereign states," but she claimed and would exercise the right to determine the extent of her obligations under that compact, and would not allow any other power to exercise the right for her. A great deal was said about "liberty" and "slavery," and the doctrines promulgated by Virginia and Kentucky in 1798 were cited as authority sufficient to justify the position that South Carolina was now assuming.

The ordinance, drawn up by Chancellor William Harper, declared the tariff acts of 1828 and 1832 to be null and void. It then called upon the legislature to pass such acts as were needed to carry the ordinance into effect, and to prevent the enforcement of the tariff acts within South Carolina. It asserted that in no case of law or equity in the courts of the state could the authority of the ordinance or the acts of the legislature to give it effect be questioned, and that no appeal to the Supreme Court of the United States was to be allowed. All state officers were to be required to take an oath prescribed by the legislature, to "obey, execute, and enforce" the ordinance and the acts of the legislature made in pursuance thereof, and no juror was to be im-

paneled in any state court, in any case in which the ordinance or acts of the legislature were questioned, unless he should take such an oath. It announced for the people of South Carolina that they would not submit to the use of force by the federal government to reduce the state to obedience; that they would consider the passage by Congress of any act authorizing the employment of a military or naval force against the state or her citizens—

or any other act on the part of the federal government to coerce the state, shut up her ports, destroy or harrass her commerce, or to enforce the acts hereby declared to be null and void, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of this state will henceforth hold themselves absolved from all further obligation to maintain or preserve their political connexion with the people of other states, and will forthwith proceed to organize a separate government, and do all other acts and things which sovereign and independent states may of right do.

An address to the people of South Carolina, written by Robert J. Turnbull, was intended for the benefit of the Union men. It first stated that nullification was a natural, sovereign, reserved right, and then attempted to answer the various

objections raised against nullification; it professed a belief that nullification would preserve and not destroy the Union, but admitted that Congress or the central government could give the controversy what issue it pleased. So much was simply a restatement of a position often presented. The real point was reached when the address announced that if appeals to reason proved unavailing to induce any of the people of the state—the Union men—to support the action of the convention, obedience would be commanded; it asserted that there was not and never had been any direct or immediate allegiance between the citizens of South Carolina and the federal government; that the relation between them was through the state and that the commands of the state were obligatory on her citizens.

An address to the people of the other states, named individually, prepared by George McDuffie, set forth the State Rights conception of the compact entered into between the sovereign states. It described the oppressiveness of the tariff and added that the people of South Carolina would not count the costs in vindicating their rights. They were willing to give much to preserve the Union, and, with a distinct declaration that it was

a concession, they would consent to the same rate of duty on protected as on unprotected articles, provided that no more revenue were raised than was necessary to meet the demands of the government for constitutional purposes, and that a duty, substantially uniform, were imposed on all foreign imports. The address then gave warning to the general government that if South Carolina were driven out of the Union, all the other planting states and some of the western states would follow, for they would not continue to pay to the North, for the privilege of being united with the North, a tribute of 50 per cent on their consumption, when they could receive all their supplies duty-free through the ports of South Carolina. The address closed by disclaiming the slightest apprehension that the general government would attempt the use of force, but announced that, if it did, South Carolina would be "the cemetery of freemen rather than the habitation of slaves."

The proceedings of the convention were conducted with great solemnity, and there seemed to be very little excitement among the members of either party. The Union delegates silently voted against the report, ordinance, and addresses;

the State Rights delegates adopted these measures unhesitatingly, confident that they were doing the bidding of the people expressed by their election. The convention was composed generally of men who had advanced to middle life or beyond it. There were but few young men, probably not one under twenty-five, and very few under thirty; there were several who had served in the Revolutionary War. The wealth of the state was well represented. Of talent, no one would deny that the convention could boast of a large share, for the papers adopted by the convention were pronounced, even by men of the opposition, as among the most able they had ever read.¹

The state legislature convened immediately after the convention adjourned, and proceeded to pass the acts necessary to carry the ordinance of nullification into effect. The governor's message had in it several features which called forth bitter resentment from the Union men. It was pronounced by them such a document as would harmonize with the acknowledged attributes of an "Eastern Despot, haughtily addressing his slaves," for it bore no feature which would entitle

¹ *Messenger*, December 5, 1832.

it to the honor of being called "an exposition of the affairs of a free people." The governor recommended that the legislature raise an army of 12,000 men, to be called the "State Guard." This the Union men said would be a standing army, dangerous to the liberties of the people—the first step toward the establishment of a military despotism. The governor would go even farther than the proscription of Union men from office by the "test oath," for he recommended a "bill of pains and penalties" to be enforced upon those who should disobey the ordinance, and an "act of treason" to apply to those who should raise their hands in defense of the Union.¹

The legislature passed an act ostensibly to afford a complete and peaceable protection against the tariff. The first and second clauses authorized any importer, consignee, or owner of goods to recover possession of his goods forthwith from a collector by an act of replevin, or by any other process authorized by law in cases of illegal seizure or detention of personal property. If the person who claimed the goods chose to proceed by replevin, he might make affidavit of the

¹ *Mercury*, December 1, 1832; *Gazette*, November 30; *Mountaineer*, December 8.

seizure or detention by the collector or his agent; a writ of replevin would be given to the sheriff, who would take possession of the goods and immediately deliver them over to the claimant upon his giving bond, to the value of the goods, that he would prosecute his suit and abide its decision. This bond the sheriff was to retain. The merchant, having received the goods, might dispose of them at pleasure; his declaration was to be filed; the case would come into court; the jury must be sworn to enforce the ordinance of nullification, and, of course, must decide that, the tariff being a nullity, the collector had no claim whatever to the goods; the bond given to the sheriff would be canceled and there the matter would end.

The third clause provided against the retention of goods by the collector or other federal agent in disobedience to the mandate of the court. In such case the sheriff was to make affidavit of the detention and take out a writ of *withernam*, under which he must seize the private property of the collector, to double the value of the goods detained, and retain it at the expense of the collector and for the benefit of the importer until the goods were surrendered. The fourth clause

empowered the sheriff to resist any attempt to recapture the goods after he had delivered them to the merchant. The fifth authorized any person who should pay any duties to recover the amount with interest from the collector by an action of assumpsit. This action would take the usual course of an action on account or note of hand, and the merchant, after having received his goods and sold them, if he chose this remedy, would be sure of receiving the amount of duties and interest on them within a year at the most. If the sheriff should not be able to get the money, the collector himself might be seized.

The sixth clause entitled any person arrested or imprisoned by process of the federal court to immediate release by writ of habeas corpus on application to any judge of the state. It also entitled any such person to an action against the federal officer for unlawful arrest or imprisonment. The seventh clause provided that no title should be good if given by any federal officer for property sold for duties. The eighth endeavored to prevent appeal to a federal court by providing a fine and imprisonment for any official who should furnish any record which related in any manner to

the ordinance and acts of nullification. The ninth subjected the collector and all his assistants or employees, aiders, or abettors, to fines and imprisonment for any disobedience to the process of replevin, or for any other attempt to resist or defeat this law; it also subjected them to indictment for any assault or offense involved in their misdemeanor. The tenth provided still heavier fines and imprisonment for all persons in any way concerned in recapturing or attempting to recapture goods which the sheriff had delivered to the merchant or owner. The eleventh declared that no public jail in the state should be used for the imprisonment of any person for nonpayment of duties, and the twelfth that no house or building in the state should be so used. To make sure that the federal violators of the law would be punished at the first court of sessions after the commission of their crime, the thirteenth clause provided that no indictment under this act should be traversed. The fourteenth directed that the fines were to go to the public treasury of the state. The fifteenth provided that the ordinance and the act might be given in evidence without being specially pleaded. The sixteenth and last announced that the act should

take effect on the first day of the following February.¹

The State Rights men professed to believe that the whole project would work smoothly. A few consolidationists, they held, who said that they would pay the duties, might do so for a short time, but they could not meet competition long and would soon give in. No federal officer would dare to attempt to put himself in opposition to the South Carolina laws. The remedy would be applied peaceably through state courts, and since the people of South Carolina would commit no act of violence themselves, Jackson would be unable to find a pretext for commencing a conflict. He might "make faces and shake his fist and snap his fingers" at them as much as he pleased; they would "walk into the courthouse and leave him bullying on the green." They had told him that if he attempted force by blockading their harbors or otherwise cutting off their trade, they would secede; and if he resolved to fight them upon the right of secession, he would find more states opposing him than he expected to meet.²

¹ *Mercury*, January 1, 1833. 22d Congress, 2d session, House Document No. 45, pp. 70-74.

² *Mercury*, January 1, 1833.

But the legislature also made provision for the possibility that everything might not proceed as planned with its "peaceable" remedy. It passed an act authorizing the governor to accept an unlimited number of volunteer companies, to be ready to march at a moment's notice, "to suppress insurrection and repel invasion and support the civil authorities," which the Union men interpreted to mean to put down the Union party, trample on the rights and liberties of the people, and resist the United States government in the execution of its laws.¹ A fund of \$200,000 was appropriated to the contingent fund, always at the disposal of the governor, and \$200,000 more for the purchase of arms.

During the preliminary discussions on nullification various and conflicting reports had come from other states as to their opinions of the doctrine. After South Carolina had taken the step, however, there was apparently no doubt that the action met but little favor, even in the other southern states.² The South Carolinians who

¹ *Mountaineer*, December 29, 1832.

² Poinsett Papers: Drayton to Poinsett, December 31, 1832. *Patriot*, March 3, 1832; *Mountaineer*, October 20, November 24, December, 15; *Messenger*, December 12; *Niles' Register*, September 1, 15, December 1.

had looked to Virginia for support in their movement had long before this found themselves disappointed. The men of the western part of Virginia had early shown that they had no sympathy with the Nullifiers. In the lower Piedmont and Tidewater counties there was much sympathy with the South Carolina protest against the tariff, and even some sympathy with the nullification doctrine, but a majority even here agreed with Thomas Ritchie and the *Richmond Enquirer*, that nullification was unlike the Virginia doctrines of 1798 and without sanction or precedent, even though they disagreed with Ritchie on political questions related to the presidency. They believed in the compact theory of the formation of the central government and affirmed a belief in the right of secession; hence they disagreed with the President's proclamation on these points. Some expressed to the President an appreciation of the cause for which James Hamilton, Jr., and John C. Calhoun were working, but gave definite assurances that though the former was considered a "noble fellow," he must "throw overboard Mr. Jonas Calhoun" before aid could be expected from Virginia.¹

¹ Jackson Papers: John Randolph to Jackson, March 1, 18, 28, 1832.

Though Virginia had but a few Nullifiers, it was said that she would not "send a man or musket to put down South Carolina," and that a resort to "violent remedies" by the general government might cause her to support South Carolina.¹

The majority of the Virginia statesmen, however, seem to have become too much interested in the presidential campaign and the distribution of official plums to share more than a modicum of South Carolina's agitation. Moreover, some believed honestly that the menace of the tariff would soon disappear when the sale of the public lands extinguished the national debt and rendered the tariff unnecessary and even impossible.²

From Alabama came assurances to Washington that the state was sound on the nullification doctrine, in spite of superficial appearances to the contrary in a recent election of a United States senator.³ From his own observations Jackson

¹ Van Buren Papers: Thomas Ritchie to Van Buren, June 25, 1832; Richard E. Parker to Van Buren, September 5.

² Charles H. Ambler, *Thomas Ritchie*, chaps. iv and v; *Sectionalism in Virginia from 1776 to 1861*, chap. vi.

³ Jackson Papers: John Coffee to Jackson, February 24, 1832.

concluded that the few Nullifiers who were in Tennessee would not dare to "hoist their colors."¹ New York was said to be ready to adopt strong resolutions against nullification.² Even Georgia, it seemed, would disappoint South Carolina in the position she was about to assume.³

¹ Van Buren Papers: Jackson to Van Buren, September 16, 1832.

² Jackson Papers: James A. Hamilton to Jackson, New York, December 13, 1832.

³ Van Buren Papers: John Forsyth to Van Buren, November 23, 1832.

CHAPTER VII

JACKSON AND NULLIFICATION (1832-33)

The State Rights men had known for a year or more that the Union men were counting much on the sympathy of the President for their views. Yet there was uncertainty as to just what he would do when the real test should come. The relations of the two parties to the President had been made entirely clear in the presidential campaign. The State Rights men were so inimical to Jackson that they were accused even of being willing to support Adams in opposition to him.¹ Jackson's popularity, however, was so great that for some time they had to conceal much of their hostility to him.² The Union men alone took part in the Baltimore nominating convention, but their opponents, when the time came to cast the vote of the state, felt not at all bound by the work of the national convention, and cast the vote

¹ *Mountaineer*, January 28, 1832. The accusation was based on a suggestion made by the *Post*.

² *Journal*, January 28, 1833. Calhoun Correspondence: Calhoun to S. L. Gouverneur, February 13.

of the state for Floyd, governor of Virginia, and Lee, a Massachusetts free-trade advocate.¹

During September and October Jackson was kept informed of affairs in the state by letters from Joel R. Poinsett. This Union leader told the President that the Union men would firmly oppose nullification and adhere to their allegiance to the United States. He reminded Jackson, however, that allegiance implied protection, and that the Unionists relied upon the government to act with vigor in their behalf. The Nullifiers, he said, seemed to believe that no measures would be taken against them; he assumed otherwise, however, and recommended that the forts be supplied with muskets, hand grenades, and ammunition enough to enforce the customs laws if necessary.²

Jackson soon recognized that a crisis was fast approaching in South Carolina. As early as September 11 he had sent word to the Secretary of the Navy that a confidential friend had "more than intimated" that efforts had been made by the Nullifiers, "and perhaps not without success," to

¹ Presidential electors were chosen by the legislature in South Carolina. See *Messenger*, December 12, 1832; *Journal*, December 15.

² Jackson Papers: Poinsett to Jackson, October 16, 1832.

disaffect some of the navy and army officers in command at Charleston, in order to get possession of the forts and thereby prevent a blockade. The Secretary of War was also warned to be sure that he had officers in Charleston who could not be corrupted by the Nullifiers, and on October 29 he was instructed to send secret orders to the officers commanding the forts in Charleston harbor to be prepared against a surprise attack "by any set of people."¹

A few days later Jackson sent George Breathitt, brother of the governor of Kentucky, to Charleston in the guise of an agent for the Post-Office Department, but in reality as a military spy, to report on the ships in the harbor and the means of defense around Sullivan's Island and other strategic points. He was to endeavor to discover the intentions of the Nullifiers as to the collection of the duties, and to investigate reports Jackson had received from Union men in Charleston that there were several revenue officers who were expressing sympathy with the Nullifiers, and that the postmaster of Charleston, his deputy, and clerks were spies for the Nullifiers, opening

¹ Jackson Papers: Jackson to Levi Woodbury, September 11, 1832; Jackson to the Secretary of War, October 29.

communications passing between the administration and the Unionists. He was also, "by consultation with Colonel Drayton and Mr. Poinsett and other discreet friends of the Union," to obtain all such information as might aid the government in taking "timely steps towards the counteraction of the effort of the Nullifiers to render inoperative the laws of the Union."¹

Instructions were sent on November 6 by the Secretary of the Treasury to the three collectors of the customs at Charleston, Georgetown, and Beaufort to be ready for any emergency. The various clauses of "an act to regulate the collection of duties on imports and tonnage," passed March 2, 1799, were quoted to remind them of their powers and duties. Revenue cutters were placed at their disposal, and they were empowered to provide as many boats and to employ as many inspectors as might be necessary for the execution of the law. In view of the likelihood of an attempt to take goods from the custody of the officers of the customs under process issuing from the state courts, the Secretary of the Treasury also wrote on November 19 to remind the United States

¹ Poinsett Papers: Jackson to Poinsett, November 7, 1832; Jackson Papers: Instructions to Breathitt, November 7.

district attorney at Charleston that in the case of *Slocum v. Mayberry* the Supreme Court had decided that the courts of the United States had exclusive jurisdiction over all seizures made on land or water for a breach of the laws of the United States, and that any intervention of a state authority, which, by taking the thing seized out of the hands of the United States officer, might obstruct the exercise of this jurisdiction, was unlawful.¹

When the President sent his military spy to Charleston he privately expressed great astonishment that the people of South Carolina "should be so far deluded by the wild theory and sophistry of a few ambitious demagogues as to place themselves in the attitude of rebellion against their government, and become the destroyers of their own prosperity and liberty." There appeared to him in all their proceedings nothing but madness and folly. "The duty of the Executive," he said, "is a plain one; the laws will be executed and the Union preserved by all the constitutional and legal means he is invested with, and I rely with great confidence on the support of every

¹ 22d Congress, 2d session, House Document No. 45, pp. 92-99; 2d Wheaton, p. 1.

honest patriot in South Carolina who really loves his country and the prosperity and happiness we enjoy under our happy and peaceful republican government.”¹

The President thereafter kept in close touch with the leader of the Union party, Joel R. Poinsett, who, in the middle of November, wrote of his belief that a majority of the leaders of the Nullifiers’ “political club” would favor secession in case of an attempt by the government to coerce the state, and that even though many of the party would be opposed to such a course, the leaders could secure its adoption. “It is believed,” he said, “that Mr. Calhoun is against this measure and insists that the state may be in and out of the Union at the same time and that the government has no right to cause the laws to be executed in South Carolina. Both parties are anxious and indulge the hope that the government will commit some act of violence which will enlist the sympathies of the bordering states.” Poinsett recommended caution, and urged especially that the Nullifiers be allowed to commit the first act of violence.²

¹ Poinsett Papers: Jackson to Poinsett, November 7, 1832.

² Jackson Papers: Poinsett to Jackson, November 16, 29, 1832.

As a precautionary measure the President early sent five thousand stand of muskets to Castle Pinckney with the promise that a sloop of war and a smaller armed vessel should reach Charleston harbor in due time. The commanding officer of Castle Pinckney was to be instructed to deliver the arms, ordnance, and other equipment to the order of Poinsett as the occasion should demand and as they could be spared from the arsenal. The President interpreted nullification to mean insurrection and war; he felt that the other states had a right to put it down and that all the "peaceable citizens" of South Carolina had a right to aid in the same patriotic effort when summoned in support of the violated laws of the land. He placed much confidence in the Union party of South Carolina, acting with Poinsett, and was anxious to furnish all means in his power to these patriots to save the state.¹

¹ Poinsett Papers: Jackson to Poinsett, December 2, 9, 1832; Department of War to Poinsett, December 7; Van Buren Papers: Jackson to Van Buren, October 23.

One Union man in Calhoun's own section assured Jackson that he intended to start a movement in the Union party to secure the impeachment of Calhoun, and asked that all his former letters to the President be preserved for evidence of the impression produced in his district by the attempts of Calhoun to excite the people to resist the operation of the laws (Jackson Papers: Dr. E. S. Davis to

On December 9 Jackson issued his famous proclamation in answer to the stand taken by South Carolina. It gave clearly his "views of the treasonable conduct of the convention and the governor's recommendation to the assembly." The whole situation, and particularly "the act of raising troops," was regarded as "not merely rebellion, but . . . positive treason." The absurdity of the situation he believed was too glaring to admit of argument, and he hoped that his proclamation, which he addressed to the good people of South Carolina "with the feeling of a father," would "take the scales of delusion from their eyes before . . . too late."¹ All the members of Congress with whom he conversed assured

Jackson, November 22, 1832). Still another Unionist wrote from Columbia that he was "almost sick" of his native state, "or rather those who rule it. . . . Everything has become rotten. Even those who call themselves Union men have acted foolish, ay—like babies. I have almost determined to wash my hands of the whole of them and look for another home. I would freely die to redeem the state from the blind infatuation under which she labors, but a thousand lives would not do it, unless Calhoun & Co. were included in the number. Never did a sick patient want bleeding worse than some of our Nullies do." He then told of the military preparations of the Nullifiers to effect their "peaceful remedy" (Jackson Papers: James O. Hanlon to Jackson, November 30, 1832).

¹ Poinsett Papers: Jackson to Poinsett, December 9, 1832; Jackson Papers: Jackson to Poinsett, December 9.

him that Congress would sustain him; he determined, therefore, to meet the menace at the threshold and to have the leaders arrested and arraigned for treason. He tried to encourage the Union leaders by assuring them that in forty days he could have fifty thousand men within the limits of South Carolina, and in forty days more another fifty thousand. "How impotent," he wrote, is "the threat of resistance with only a population of 250,000 whites and nearly double that in blacks, with our ships in the port to aid in the execution of our laws. The wickedness, madness, and folly of the leaders and the delusion of their followers, in the attempt to destroy themselves and our Union, has not its parallel in the history of the world. The Union will be preserved."¹

The President's proclamation was printed by the Union leaders in large editions to circulate throughout the districts. It would serve to give courage to the Union men and might convince others of the error of their ways.² In no uncertain terms the President declared that he considered

¹ Poinsett Papers: Jackson to Poinsett, December 9, 1832.

² Poinsett Papers: Chapman Levy to Poinsett, December 22, 1832.

“the power to annul a law of the United States, assumed by one state, incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorised by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed.”¹ The object of the Nullifiers, he set forth, was disunion; “but,” he added, “be not deceived by names; disunion, by armed force, is treason. . . . The laws of the United States must be executed.”

The President’s message, which had appeared in print a few days before the proclamation, received no little praise from the pens of the State Rights editors because of its sound doctrines on the tariff.² At that time the intentions of those in power were not fully known; but the proclamation left no doubt. It was hailed as a declaration of war by the President against South Carolina.³ When contrasted with the message of a few days before, it seemed to show that “this unhappy old man” had been induced by his advisers to arrogate the power to coerce a state of the

¹ Richardson, *Messages and Papers of the Presidents*, II, 643.

² *Mercury*, December 10, 1832; *Messenger*, December 19.

³ *Mercury*, December 17, 1832; *Messenger*, December 26.

confederacy; to issue the decree of a dictator, which time would prove whether he dared or could enforce; to attempt to intimidate the Whigs¹ of South Carolina by threats; and to encourage and foment insurrection and violence on the part of the internal enemies of the state. The State Rights men believed that the proclamation went the whole length of the doctrine of consolidation, not only assuming for the federal government the right to judge of its own powers, but arrogating this right to its full extent on behalf of the executive department. Accordingly, they greeted the document with indignation and defiance.

The Union men believed that their opponents were pouring their bitterness upon the chief magistrate because the proclamation had come like a thunderbolt to the leaders of their party. They had had no expectation that their manifesto

¹ The Nullifiers seem to have assumed the name of Whigs and applied that of Tories to the Union men. Duff Green, the editor of the *Washington Telegraph*, referred to James Blair, congressman from South Carolina, and his party as Tories, whereupon Blair made an assault upon Green and quite seriously disabled him (*Niles' Register*, December 29, 1832). The editor of the *Mercury* denounced Blair for his attack and tried to show that the use of the term "Tory" was justifiable, not merely in its qualified English sense, but in its worst American sense, when applied to any who would side with the general government against South Carolina (*Mercury*, January 1, 1833).

of war against the general government would be met by such a counter-manifesto. It put to flight all their solemn asseverations of the peaceableness of their remedy, for it told them that resistance to the laws would be put down by the power with which Congress had armed the federal executive to punish treason.¹ The Nullifiers were not at a loss for a reply, such as it was, to the taunt of the failure of their remedy as a peaceable one. They felt satisfied to say that the blame for such failure lay entirely with the President and the Union party, because they would not permit the Nullifiers to carry out all their plans as had been intended.²

In Virginia the proclamation had a marked effect. When the assembly met, shortly before the proclamation was issued, the factions within the Democratic party seemed to have united permanently, for W. C. Rives, an ardent administration man, was elected almost unanimously to the United States Senate to succeed John Tyler. After the proclamation, however, there appeared a Union party and a State Rights party, composed chiefly of representatives of the western

¹ *Patriot*, December 18, 1832.

² *Mercury*, December 7, 29, 1832.

and eastern sections, respectively. The latter had control of the assembly by about ten votes. They passed resolutions praising South Carolina's resistance but deploring her methods, denouncing the proclamation, and recommending a general convention in case Congress should not reduce the tariff; they sent a commissioner to South Carolina recommending less speedy action, and finished their work by returning John Tyler to the United States Senate when L. W. Tazewell resigned; Tyler sympathized with nullification and cast the only vote in the Senate against the force bill. But even this was far short of what the South Carolina Nullifiers had wanted.¹

The sudden resignation of Tazewell, "connected with other signs of the times," caused Jackson to fear that some secret plan was being hatched in Virginia. Just before the issue of his proclamation he had received from Virginia an expression of hope that he would not be too severe with South Carolina. After the Virginia action following the proclamation, Jackson asserted that he had been "aware of the combination between them and Calhoun & Co.," and that

¹ Charles H. Ambler, *Thomas Ritchie*, chap. v; also his *Sectionalism in Virginia from 1776 to 1861*, chap. vi; Jackson Papers: Poinsett to Jackson, January 7, 1833.

the South Carolina leaders had been in great haste in order to get their "rebellious ordinance, . . . nullifying doctrine, and rights of secession" sustained by the Virginia legislature. By the middle of January, however, the President was confident that Virginia, excepting a few Nullifiers and politicians, was true to the core, and that he could march forty thousand men from that state in forty days. He was then, indeed, without doubt that he could get many times the troops needed, not simply from "good old Democratic Pennsylvania," but from Tennessee, North Carolina, and all the western states. Although the New York legislature, because of political fears, disappointed him by its silence, he was assured that the people and the press were with him.¹

¹ Van Buren Papers: Jackson to Van Buren, November 18, December 23, 1832; January 13, 25, 1833; Jackson Papers: John Randolph to Jackson, December 6, 1832; Jackson to Van Buren, January 25, 1833; James A. Hamilton to Jackson, New York, January 22, 1833.

When James Hamilton, Jr., of South Carolina, visited Augusta in January, Jackson believed that it was in behalf of nullification; it was alleged that when the steamboat with Hamilton on board got a short distance from the wharf at Augusta the tricolored flag of South Carolina was raised on the boat and that the American Jack reversed was placed under it. When he heard of this Jackson said: "For this indignity to the flag of the country she ought to have been instantly sunk, no matter who owned or commanded her" (Van Buren Papers: Silas Wright, Jr., to Van Buren, January 13, 1833).

Virginians were not alone in their criticism of the doctrines contained in the proclamation. Some men of other states, most of them in sympathy with the President, believed that the document would have been a better one without the "speculative arguments and fallacious opinions about the origin of the confederation." C. C. Cambreleng, of New York, wrote from Washington:

We have those here who are now and then Republicans from *policy* but not one in principle—except the chief of all. This will account to you for the broad errors in doctrine on some of the fundamental principles of the Constitution, which *ornament* the proclamation, and call forth the unbounded approbation of every ultra federalist. . . . It was a glorious opportunity to reach every man in the nation but a nullifier . . . [and] . . . had the proclamation been as empty and inflated as a balloon, sentiment would have carried it through the Union with applause.

A "general and happy effect" might have been made "universal" "had the metaphysics of the Montesquieu of the cabinet been cut out of it."¹

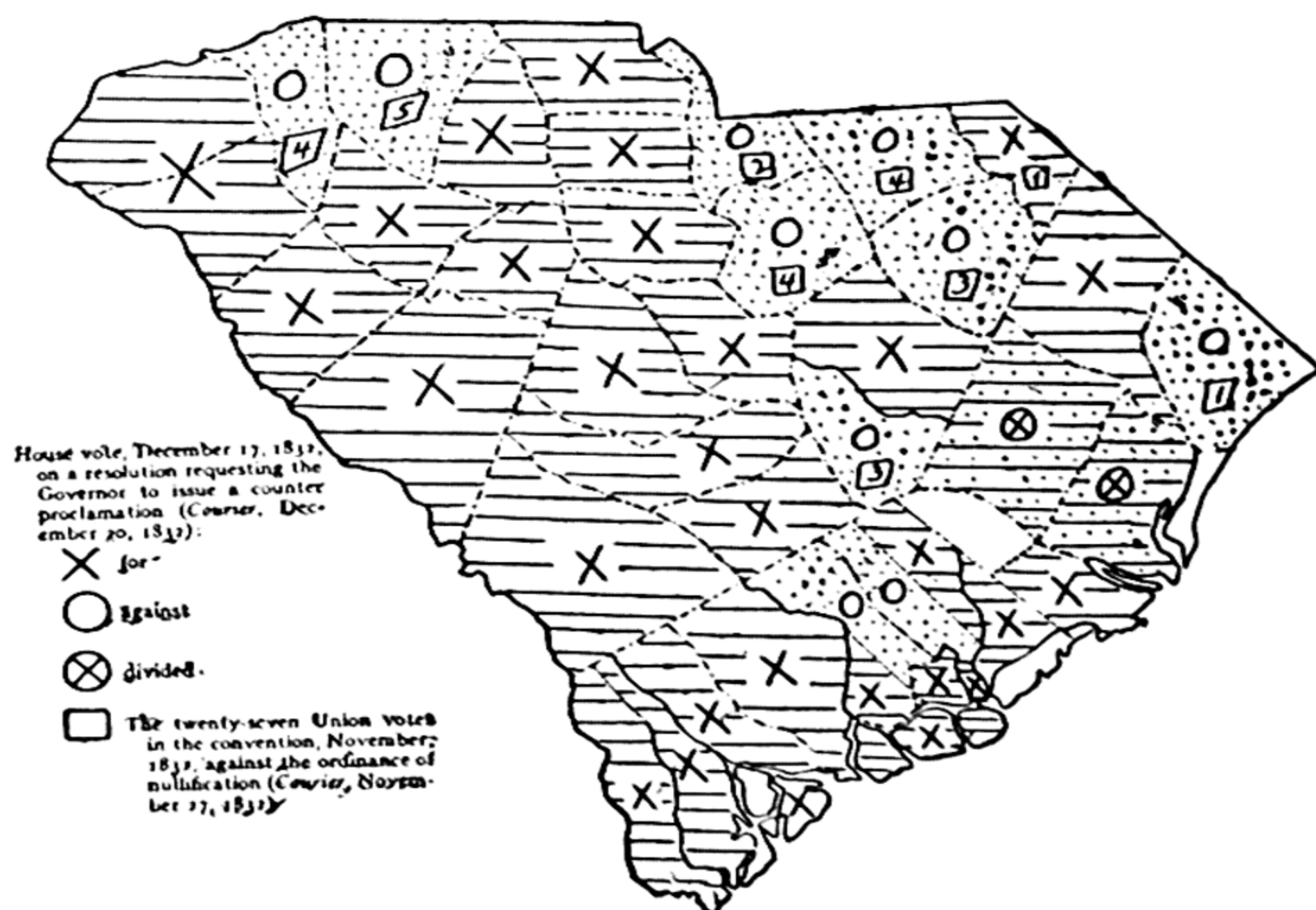
¹ Van Buren Papers: C. C. Cambreleng to Van Buren, December 18, 1832. In another letter between December 10 and 18 Cambreleng said: "Luckily the people do not see what lawyers do; they don't care how the Union was formed nor are they anxious to be instructed how a state can get out of it—they have more sense than the bar." See also Van Buren to Jackson, December 27. The "Montesquieu of the cabinet" was probably Edward Livingston, Secretary of State.

In Columbia the proclamation was received with the deepest indignation, and the legislature, still in session, immediately asked the governor to issue a counter-proclamation to warn the people of South Carolina against that of the President and exhort them to remain true to the state. Robert Y. Hayne had been elected governor and had taken the new oath prescribed for that officer, that he would "well and truly keep and enforce the ordinance of the state and such laws as may be passed in obedience thereto." He immediately issued his counter-proclamation, which began by calling upon the people to be on their guard against the "dangerous and pernicious" doctrines contained in the President's proclamation, and concluded with a command for them to support at all hazards the dignity and liberties of the state.¹ It was an ably written and strong paper, but the Union men could see no merit even in its literary composition. They ridiculed it as the height of madness, caused by an inflated sense of power.²

¹ *Mercury*, December 22, 1832; *Niles' Register*, December 22.

² *Gazette*, December 22, 1832. The Union men published a parody on it, beginning thus: "By virtue of that palpable absurdity which has grown out of the numerous 'conjunctures' with which it has been our fate to be afflicted, that as a sovereign state the Free Trade Association 'has the inherent power to do all those acts which by

As for the ordinance of nullification, the Union men asserted that they were somewhat at a loss what classification to give to that "mad edict of a despotic majority"; whether it was to be

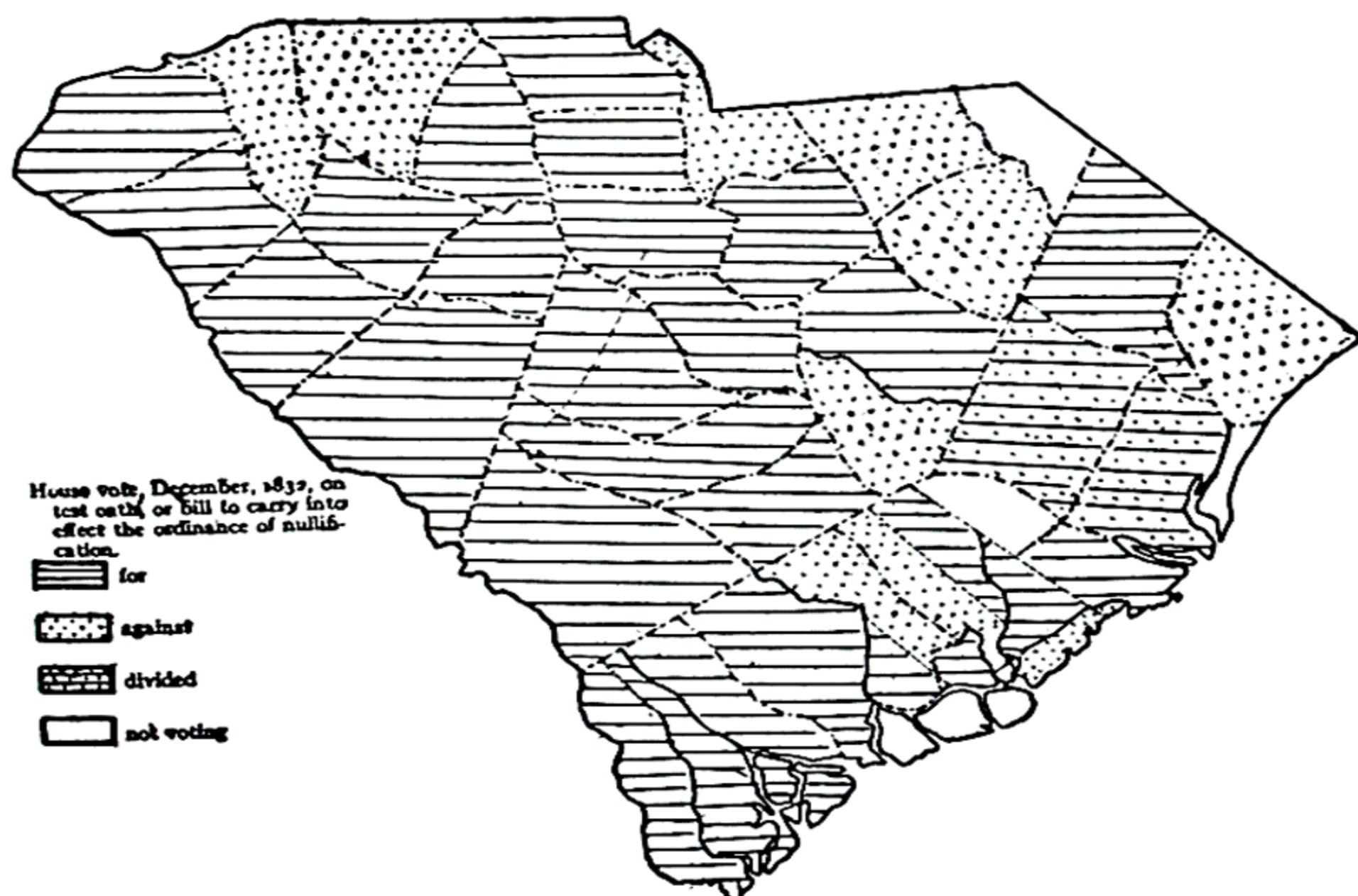


MAP VII.—House vote on governor's counter-proclamation, and Union vote in Convention, 1832.

considered as incorporated within the constitution of the state, as an act of legislation to be recorded the law of nations any prince or potentate may of right do,' Governor Hayne has issued a proclamation counter to the one lately put forth by the President. . . ."

The accompanying maps (VII and VIII) show those districts whose delegates and representatives opposed the projects of the Nullifiers. See p. 107, n. 3.

in the statute books, or as a judicial decision to take its place in the next volume of law reports, they could not tell; this nondescript measure seemed to be an odd and incongruous jumble of



MAP VIII.—House vote on the test oath, 1832

the three, put together in utter disregard of reason and right; some said, indeed, that it was an exertion of lawless power which should be put down by the constituted authorities of the state or prostrated by the potent rebuke of popular opinion.¹

¹ *Courier*, November 29, 1832. Perry Collection, Vol. IX, letter by Thomas S. Grimké to the People of South Carolina, December 1, 1832.

The Union men called a second convention of the party, which began its sessions in Columbia on December 10, while the legislature was still sitting. There appeared to be two factions at first: the conservatives, who favored moderation, and the radicals, who thought that the "tyranny and oppression of the dominant party, the disgrace of the test oath, and the horrors of disunion" should be "fiercely combatted." All were soon won over to the belief that there should be no flinching. A plan was recommended for organizing the Union men of the state into "Washington Societies," for self-defense and protection; there was to be a central society in each district, with as many branches as possible in the local neighborhoods. In case of emergency these societies were to become military companies. Poinsett was made commander-in-chief, with division officers in different parts of the state, and Colonel Robert Cunningham was appointed for the upper divisions of the state. Joel R. Poinsett made it clear to the convention that President Jackson indorsed his plans,¹ and when James O. Hanlon read part of a letter from Jackson to the convention in secret session, it seemed to inspire

¹ Benjamin F. Perry, *Reminiscences and Speeches*.

great courage, for "some cried out 'enough!' 'what have we to fear; we are right and God and Old Hickory are with us.'"¹

This Union convention of about 180 delegates adopted an official protest against the ordinance of nullification. It reviewed the objections to the doctrine of nullification and denounced the ordinance as contrary to both the national and the state constitutions, and with special vigor decried the test oath, which would keep out of office all Union men who would not perjure themselves. It declared that as regarded the Union party the ordinance "betrayed all the features of an odious tyranny" and that its progress would be as fatal to liberty as it was to the federal Constitution. But one more step of the dominant party, it said, was wanting to put the 17,000 friends of the Union, so far as the state authorities were concerned, entirely out of the protection of the law. In regard to their own program, the Union men declared they would maintain a peaceable, inactive position as long as possible, asserting their rights by all legal and constitutional means; but if crossed in this by an attempt to enforce the "unconstitutional and tyrannically oppressive"

¹ Jackson Papers: James O. Hanlon to Jackson, December 20, 1832.

parts of the ordinance, they would feel bound to answer the call to resistance, issued by an "intolerable oppression," and should they be forced to draw the sword, it would be wielded in defense of the Union.¹

The President's proclamation proved a conundrum to the State Rights men in many ways. Some believed that it would overawe many of the less ardent in the state, and they therefore made much of Governor Hayne's counter-proclamation.² Many doubted that Jackson had

¹ *Courier*, December 21, 1832; *Mountaineer*, December 22. Perry Collection, Vol. IX, "Report of the Union Convention, with Their Remonstrance and Protest"; Perry Collection, Vol. IX, letter to the Union party of South Carolina, by Randell Hunt, January 2, 1833.

That the Union men were greatly stirred by the test oath was abundantly testified by such utterances as the following by Thomas Grimké: "As though in mockery of the very name of judge and trial and jury as hitherto understood, they have bound the judge and jury to disregard the constitutions, law, and evidence, and to decide according to a fixed paramount rule. I envy not the judge or jurymen who is fit to be their instrument. Were I a judge or jurymen, before I would pollute my soul and defile my lips with such an oath, this right hand should be struck off as a cockade for the cap of a dictator, or a sign-board to point the way to the gibbets" (*Gazette*, December 15, 1832).

² James O. Hanlon wrote from Columbia to Jackson, on December 20, 1832: "I find much excitement among the Nullies both in and out of the legislature. Your able and patriotic proclamation has almost given some of them the *Cholera*, and it would not show well for them to let it pass in silence" (Jackson Papers).

intended more than to frighten South Carolina and felt that perhaps his appeal to Congress for more power was simply to furnish a means of retreat when Congress should have repealed the tariff and yielded to South Carolina. A majority of the leaders, however, felt that immediate military preparation was necessary, and many men eagerly aided the governor in his attempts to get a force ready for the field in the shortest time possible.¹

¹ The following letter was written by a man who had been a prominent editor of the state, but who was then a planter in Barnwell district, and who for many years was looked to, by many in the state, as a man whose political judgment was worth much (Hammond Papers: Hammond to Governor Hayne, December 20, 1832): "General Jackson's extraordinary proclamation has just reached me. It is the black cockade Federalism of '98 renewed, fearfully invigorated by its long sleep, and seems destined to bring about another reign of terror. Based as it is upon the notoriously false assumption that South Carolina intends to resist the laws of Congress with the bayonet, the spirit of it, to every intelligent mind, is as ridiculous as its arguments are absurd. But there is so much ignorance and passion in the country that both are dangerous at this crisis, and must be met promptly, firmly, and efficiently. To aid this purpose permit me to tender you my services in any way that you can make them most useful. I do not seek from you any post of distinction, not only because I can have no claims to it, but because at this moment every man must do his duty to his country without reference to himself. I will undertake any service you desire, and repair at an instant's warning to any point and for any purpose you will designate. I shall immediately set about arranging my private

After the middle of December Governor Hayne's office was transformed from that of an executive to that of a commander-in-chief. "General Orders" were issued from "Head Quarters," on December 20, 1832, that in accordance with a recent act of the legislature the services of patriotic citizens as volunteers would be accepted, "either individually or by companies, troops, battalions, divisions, or regiments, of artillery, cavalry, or riflemen." The governor on the same day selected prominent State Rights leaders in each district and commissioned them in due form as aides-de-affairs for taking the field at an early day, not to quit it until all is settled.

"In this part of the country the people are very ignorant and have been heretofore rather inclined to the Union party, but if you think I can be best employed in recruiting volunteers I will set about raising a company as soon as I receive your instructions as to the time and place [you] will want them, and whether you can furnish arms, etc., and will endeavor to have them ready for service in due time. I have however no choice of employment, so far as I am concerned. . . . I take it for granted that you will concentrate a large force in Charleston to meet the emergency. Permit me again with much humility to suggest that that concentration be effected silently and without parade; we have already done enough to alarm the more timid of our friends and to afford apparent grounds of justification for the mad counsels of the President. At the same time care should be taken to have the force strong enough to annihilate instantaneously the first show of resistance to our laws, and give to treason as well as tyranny so signal and severe a rebuke that they will not recover from it soon."

camp charged with military duties in their respective districts. They were directed to inspect volunteer companies and to receive and give information, and were supplied with blank commissions to issue to the officers of such companies as were raised or accepted from those already in existence. They were requested to make full and frequent reports to the governor's headquarters at Charleston.¹

The general plans of the governor, as outlined in a printed circular sent to all the aides-de-camp as district organizers,² announced that he wanted to raise a volunteer force not short of 10,000 men. Measures were taken to procure an ample supply of arms of various descriptions to be distributed as soon as secured, and arrangements were made for the distribution of books on tactics to infantry and cavalry companies. In this circular letter, after making general explanations of the duties of the district aides-de-camp, the governor outlined a

¹ Hammond Papers: commission from Governor Hayne to Colonel James H. Hammond, December 20, 1832; letter from Hayne to Hammond, December 21.

² The one sent to Hammond and marked "(Confidential)" in Hayne's handwriting is in the Hammond Papers, dated December 26, 1832.

plan of "THE MOST IMPORTANT NATURE." He said:

The volunteer corps above alluded to are intended to be called out by companies, battalions, or regiments, but a sudden emergency may arise when men may be wanted at a given point before such corps can be prepared and marched to it. I deem it indispensable, therefore, that a body of Mounted Minute Men should be always prepared to proceed in the shortest time possible to any place which may be designated, to be kept on duty for a few days or a few weeks, until more regularly organized corps shall be brought into the field. My plan is this. Let a number of men, every one of whom keeps a horse, agree to repair at a moment's warning to any point which may be designated by the governor in any emergency. Let them then come prepared with guns or rifles, or arms of any description, with a supply of powder and ball, and come in the shortest time possible. If in each district only one hundred such men could be secured, we would have the means of throwing 2,500 of the élite of the whole state upon a given point in three or four days. And by no other means could this be effected.

To execute this plan, it may be well to select ten influential men in various parts of your district, to be called leaders; bring them fully into the scheme, and let each of them engage ten men as their quota. When the notice is given to you, that the minute men are wanted, you will instantly inform the leaders and get them to extend the notice to their respective squads. Have one or more

expresses always at your command and bear in mind that you will be held responsible for the speedy and certain extension and prompt execution of all orders. If you need assistance say so, for no excuse will be received for any failure, when your services are required. . . . I wish you to see personally each of the colonels and learn everything within your district; the temper of the men; the state of their arms; whether those out of order can be repaired in your neighborhood; and what supplies exist of field-pieces, muskets, rifles, lead, etc., and generally everything, which it is important for me to know; all of which may be embraced in a confidential report.

The district organizers soon enlisted a number of men as sub-organizers, who distributed circulars in which appeared the governor's call for volunteers, and did all they could personally to induce the people to enlist. These men kept the district commander informed as to local sentiment. From some quarters came reports that Jackson's proclamation, aided by the activity of the Union men, had done much harm, for the people seemed to think that the President could do all he had threatened, and they regarded him as in fact "the Ali Pasha of the United States." From such quarters came the advice that the district organizer himself should appear and renew the spirits of the

people.¹ From other quarters came more cheerful news.² Some of the State Rights leaders seemed to think that all that was needed was for the people of the state to show a proper spirit, and force would not be used; but if they faltered, a little blood would be spilled to complete the panic.³

¹ Hammond Papers: S. H. Butler to Hammond, December 27, 1832.

² Hammond Papers: S. R. Cannon to Hammond, December 28, 1832: “. . . . the President’s proclamation has been the cause of making us more Indignant towards him than before. we have commenced Raising a volunteer corps of Rifle men and will holde an Election for Officers in few days we are all nullifiers in this Section and the General feeling amongst us that will Put us in Readiness at a moments warning.”

³ Hammond Papers: S. H. Butler to Hammond, December 27, 1832: William C. Preston to Hammond, December 31. Preston, a prominent leader, wrote from Columbia to Hammond on the last day of the year that he was much pleased with the effect the proclamation was having both in and out of the state, for party lines were being clearly drawn. “Thank God,” he wrote, “we are again Federalists and Republicans. In Virginia especially the proclamation has wakened the people from their trance, and they are holding meetings in the counties, with the rallying cry of ’98. . . . My private advices are of the most cheering character; they assure me that whatever the legislature may do, it will be believed the temper of the people. They tell me that it is only necessary for us to present a determined front, and all will be well. We have compelled a more rapid course of thought than twenty years of discussion would have produced. We have shaken the tariff system more than a thousand remonstrances and petitions and protests. Their columns are giving

The Union men were "openly threatened with every kind of violence," and in a district where their number was small they were told that they must not assemble together, for such action would be considered "treason and rebellion" against the sovereignty of the state.¹

Meantime, Jackson had been waiting for information that the South Carolina assembly had passed laws for raising an army to resist the execution of the United States laws. This he

way, there is confusion in their lines; and if we are now true to ourselves, they will be scattered to the winds. The vigorous proceedings of our constituted authorities has struck terror into our oppressors, and the spirit of the people bursting out in all quarters has written their destiny on the wall in characters too plain to require a Daniel for their interpretation.

"In this quarter the public enthusiasm is more intense than my best hopes could have anticipated. Everybody is volunteering—old and young, the parent and his sons, rich and poor are found in the ranks shoulder to shoulder. Even the ministers of the gospel have turned soldiers. . . . The town begins to resemble a military encampment. An equal enthusiasm, it is said, pervades Fairfield; there they will volunteer by regiments. Lexington will give an organized battalion. The tyrant will find us ready and dare not strike. Our decided front will secure us at once peace and victory. The volunteer roll will decide the contest. We have agreed here for the sake of distinction, every volunteer shall wear at all times a small blue cockade upon his hat, that we may know each other when we

¹ Jackson Papers: James O. Hanlon to Jackson, December 20, 1832.

would interpret to be "a levying of war" and he would ask Congress—

for the power to call upon volunteers to serve as the *posse comitatus* of the civil authority, to open our courts which they have shut, direct process to be issued against the leaders, direct them to be prosecuted for treason, have them arrested wheresoever to be found, delivered over to the authority of the law, to be prosecuted, convicted, and punished. If the assembly authorises twelve thousand meet and establish upon sight that sympathy which should exist between men devoted to the same glorious cause. Let me recommend this measure to you and also that as soon as there is a company organized in your neighborhood you inform me or some other friend here of the fact, with names of the officers, that we may devise a system of correspondence and union, which will establish a community of feeling and action amongst us. In the meantime do write me of the movements and the state of feeling in your quarter."

On the same day, December 31, 1832, Captain E. H. Maxcy in Columbia issued company orders to the Richland Volunteer Rifle Company "to hold themselves in readiness to march, at a minute's warning, and without delay, to any point in the State which may be designated by the proper authority, to perform such military service, in defence of the State, as may be required. Each member will forthwith put his rifle and accoutrements in complete order, furnish himself with a sufficient quantity of powder and ball, a coarse homespun knapsack with a blanket, and the requisite change of clothing. Upon being notified, each man will promptly repair to the Town Hall, to be mustered into service at the minute designated. Upon the reception of marching orders, a fieldpiece will be fired five times in succession as a signal for assembling." The company was ordered to report on Saturday morning, January 5, 1833, "for drill and target firing" (22d Congress, 2d session, House Document No. 45, p. 112).

men to resist the law, I will order thirty thousand to execute the law. To this I may add the request for the custom house to be removed to Castle Pinckney on Sullivan's Island, and the power in the Secretary of the Treasury to demand the payment of duties in cash, deducting the interests, from all vessels entering a port where the states may have enacted laws to resist the payment of the duty.¹

By the end of December the President was feeling even more bitterly on the subject. He wrote:

This abominable doctrine, that strikes at the root of our government and the social compact, and reduces everything to anarchy, must be met and put down or our Union is gone, and our liberties with it forever. The true Republican doctrine is, that the people are the sovereign power, that they have the right to establish such form of government [as] they please, and we must look into the Constitution, which they have established, for the powers expressly granted, the balance being retained to the people and the states. When we look into the [Articles of] Confederation of the thirteen *United States* of America, we find there a perpetual union; and that it might last forever, we find the express power granted to Congress to settle all disputes that may arise between the states. What next—we find upon experience that this perpetual union and confederation is not perfect. On this discovery, "We the people of these United States,"

¹ Van Buren Papers: Jackson to Van Buren, December 15, 1832.

“to form a more perfect union” etc., etc., do ordain and establish this Constitution as the supreme law of the land. When we look into the instrument we can find no reserved right to nullify or secede; but we find a positive provision how it is to be altered or amended. These must be adopted or it must be changed by revolution. When this is attempted by a state, a perfect right remains in the other states and the people, if they have the power, to coerce them to obey the laws and preserve their moral obligations to the other. Let us remark one absurdity out of thousands that could be named. Congress have power to admit new states into the Union; under territorial governments these [are] bound by the laws of the Union; new states cannot force themselves into the Union; but the moment they are admitted, they have a right to secede and destroy the confederation and the Union with it. The Virginia doctrine brings me in mind of a bag of sand with both ends opened; the moment the least pressure is upon it, the sand flows out at each end. The absurdity is too great to be dwelt on. The people of Virginia are sound. The Union will be preserved and traitors punished, by a due execution of the laws, by the *posse comitatus*.¹

Letters of this character worried Van Buren. He feared that Jackson, too impulsive by nature, might lessen the chances of an amicable adjust-

¹ Van Buren Papers: Jackson to Van Buren, December 23, 1832. On December 25 he wrote again in much the same manner to Van Buren.

ment. He therefore, as on many another occasion, advised caution. He urged especially that, in view of the fact that the doctrine of a "constructive levying of war" was "justly unpopular in this country," the President should hesitate to pronounce as treason the mere passage of bills, and should ask Congress for the power to employ military force only if it was indispensable to the due execution of the laws.¹

While Jackson was thinking so much about meeting at the threshold any danger to the Union, Van Buren and the great majority of those with whom the President was in correspondence seem to have been thinking much more of the political phases of the issue. Although Jackson himself thought occasionally of the influence of the Nullifiers upon the elections, it was far from uppermost in his mind. During the fall of 1832 he felt confident that they could do little harm to him or Van Buren outside of South Carolina. To Amos Kendall it appeared at first that the issue would have the happy political effect of uniting with the friends of the administration all parties in the northern, middle, and western states and a large portion of the South, including even

¹ Van Buren Papers: Van Buren to Jackson, December 27, 1832.

many of the National Republicans. But upon second thought he agreed with Van Buren that they must neither court the Nationals nor meet their advances. Webster and Calhoun must be kept at arm's length on either side.¹

They must be on their guard against Clay also, and with this in view as well as for the purpose of quieting South Carolina and preventing the spread of sentiment in favor of a southern convention, the tariff must be reduced in 1833 to prevent "Clay and his satellites" from having about six millions of surplus revenue to deal out for internal improvements at the long session of 1833-34, when all the surplus in the treasury would become a bribery fund for debauching the states and buying presidential votes. Indeed, Van Buren and the New York delegation in the House of Representatives might win increased popularity by having the tariff reduction come under their auspices.²

The combined influence of the "Triumvirs," Clay, Calhoun, and Webster, was much to be

¹ Van Buren Papers: Jackson to Van Buren, August 30, October, 23, 1832; Amos Kendall to Van Buren, November 2, 10.

² Van Buren Papers: Thomas H. Benton to Van Buren, December 16, 1832.

feared, if such a strange combination were really formed against the administration. Their cue seemed to be to refuse to reduce the tariff and lay the blame on Van Buren, or reduce it and secure the credit for themselves. It was early seen that when the danger of a disruption of the government should become imminent, Clay would endeavor to step forward as the mediator, the great pacificator, and secure the presidency as his reward. At all events New York was to be deprived of the credit for an adjustment. In spite of such fears in many quarters, Van Buren believed that if any adjustment of the tariff were made at the existing session of Congress, no large share of the credit for it would be given to Clay and Calhoun.¹

¹ Van Buren Papers: Michael Hoffman to Van Buren, December 19, 1832; January 4, 1833; Hoffman to A. C. Flagg, January 4; M. Dickerson to Van Buren, January 11; Cambreleng to Van Buren, February 5; Van Buren to Jackson, February 20; Jackson Papers: W. R. King to Van Buren, January 9.

CHAPTER VIII

NULLIFICATION SUSPENDED (1833)

Congress was in session while South Carolina was making her hostile preparations. The ordinance of nullification, together with the acts of the legislature providing the means for carrying it into force, was to become effective on February 1, 1833, unless, of course, Congress before that date repealed the protective features of the tariff. Everybody eagerly watched for indications of such action.

William Drayton carefully sounded the members of Congress and found that with a few exceptions from the South and West they were opposed to nullification as "an absurd and mischievous paradox." Several members of the Virginia, North Carolina, and Georgia delegations, with some few from other states, contended for the right of peaceable secession by a sovereign state, but a large majority of Congress regarded the right as "merely a revolutionary one, the practical exercise of which the United States might and ought to suppress . . . by physical

force if necessary.” Notwithstanding a general accordance with these sentiments, all the representatives with whom Drayton conferred declared their willingness and anxiety to co-operate in the furtherance of any reasonable expedient which might prevent a conflict between South Carolina and the federal government. To this end “several of the thorough-going tariffites” told him that they “would submit to great sacrifices of the pecuniary interests of the manufacturers by voting for large deductions from the rate of protective duties.” This accounted for the Verplanck bill.

Although the Senate was believed to be less favorably disposed toward the bill than the House, Drayton thought that all signs pointed to the growing favor of free trade everywhere, and that surely by the next session, if not in this one, a satisfactory reduction would be made. He thought that the Nullifiers ought to see this and postpone action until after the next session.¹ Calhoun, too, as the session progressed, thought that the prospect was good for a satisfactory adjustment and that the scheme of coercion would be abandoned if the South Carolina people continued firm but prudent and gave no occasion for the

¹ Poinsett Papers: Drayton to Poinsett, December 31, 1832.

use of force.¹ From all sides came testimony that everything was promising for a reduction of the tariff, as both parties now seemed to admit the necessity of it.² The question still remained, however: Would it be a reduction acceptable to the State Rights party?

Some men, however, believed that no reduction of the tariff would be voted, because there was a party in the North just as desirous of a separation of the sections as any faction in South Carolina. According to this view, the tariff advocates not favored by the taxes desired disunion, and the aristocracy in both sections saw in disunion a "multiplication of offices and taxes by which alone they can live without labor on the sweat and toil of the people." Other men believed that though the existing Congress would not reduce the tariff, the composition of the new Congress guaranteed a reduction which could be accomplished by special session in April or May.³

¹ Calhoun Correspondence: Calhoun to J. E. Calhoun, January 10, 1833.

² *Mountaineer*, January 12, 1833; *Messenger*, January 23; *Niles' Register*, January 5.

³ Van Buren Papers: Michael Hoffman to Van Buren, December 7, 19, 1832; Hoffman to A. C. Flagg, December 18; T. H. Benton to Van Buren, December 16.

Some of the Union papers, soon after they saw an inclination on the part of Congress to yield on the tariff, began to express the hope that Congress would not yield in such a way as to give the Nullifiers the credit of a victory. Writers in these papers pointed out that if Congress yielded to the usurpation of undelegated power by a party which never fairly represented the "honest desires and opinions of the state," so long as the ordinance and acts of nullification remained unrepealed; if it should be intimidated into concessions by the South Carolina hotspurs; then the people would know that thenceforth a supreme law of the land could be made void by a state convention "fraudulently obtained" whenever it might suit the purpose of a few ambitious individuals.¹

The State Rights party then accused the Unionists of being in league with the northern

¹ *Mercury*, January 3, 1833; *Gazette*, January 3. Such assertions that the convention had been "fraudulently obtained" and did not fairly represent "the honest desires and opinions of the state" were untrue, for they were based on the assumption that the people were deceived by the nullification leaders and tricked into voting for a convention, feeling confident that it would adopt a "peaceable" remedy. The greater part of the people who voted for the convention secured in its action just what they wanted and expected. That these acts produced results different from those anticipated was beside the point.

manufacturers to prevent a tariff reduction, and declared that if the present session of Congress failed to modify the tariff as the South demanded, and bloodshed and disunion followed, the Union party would be responsible. They insisted that the Union party had at last disclosed its true colors by hoisting the "genuine Black Flag of Tariffism." They claimed that a review of the course followed by the Union party would show that it had continually tried to reconcile the state to the tariff, and had in fact encouraged the northern manufacturers to persist in their course.¹

The Union party answered that it was still, as it had been, bitterly opposed to the tariff, and wanted every possible constitutional means employed to remove it, but that it did not want the tariff lowered under the menace of the nullification ordinance. Not a few of the Union men felt as Drayton did, that if the tariff reduction then being considered were passed, and the Nullifiers in consequence thereof should suspend all further proceedings under the recent laws of the legislature, the gratification of these Union men at the partial or total repeal of the protective system

¹ *Mercury*, January 3, 7, 1833; *Messenger*, January 16.

would be not a little diminished because of the triumph it would afford the Nullifiers; for they "would ascribe to their own miserable sophistry and corrupting intrigues this abandonment of a system which, without their conventional and legislative usurpations, was already expiring, from the conviction which for a considerable time past" had "been spreading among the people even in the tariff states, that its foundations" were "built upon selfishness and monopolizing cupidity."¹

The State Rights party then pointed out that the position of the Union party meant that it stood for an "unlimited central consolidated government," with the states absolutely at its mercy.² In order further to prove that the Union party was in league with the central government, the State Rights presses made much of a story that, according to the confessions of Union men themselves, the President's proclamation and all of his

¹ Poinsett Papers: Drayton to Poinsett, January 13, 1833; *Courier*, January 4, 8, 1833; *Patriot*, January 11, 14. Poinsett looked upon this as a consideration of minor importance (Jackson Papers: Poinsett to Jackson, January 7).

² *Mercury*, January 8, 1833. And this pointed out, indeed, the real issue; it was the old question of adjustment of power between the central government and the states.

plans in handling the South Carolina situation had been and still were concocted in Charleston by the Union party.¹

Even though things did look promising at Washington, the State Rights men went ahead with their military organization. From many parts of the state came reports to the governor that men were volunteering readily for the militia, and that new companies were being formed.² Details were being perfected for a movement of troops from the interior to the coast; depots of supplies of bacon, fodder, corn, etc., were established on the lines of march decided upon for the various companies, battalions, and regiments.³ In some districts the degree of enthusiasm desired by the State Rights leaders was lacking, and it was difficult to get a company of minute men willing to make the sacrifices

¹ *Telescope*, January 8, 1833; *Messenger*, January 2; *Mercury*, January 11.

² The Hammond Papers contain some orders coming from, and reports going to, William E. Hayne, assistant adjutant inspector-general at Charleston, as to the organization of the army. Letters by Hammond to Governor Hayne, January 8, 1833, and to William C. Preston, January 10, show that this work was kept up unceasingly. See *Mercury*, January 5, 14; *Messenger*, January 9, 23, February 2.

³ Hammond Papers: Francis W. Pickens to Hammond, January 14, 1833; Hammond to Pickens, January 18.

entailed.¹ All of this preparation was formidable enough to cause many citizens to leave the state.²

During January the President was often informed of the trend of affairs in South Carolina, and he became ever more convinced of the

¹ Hammond Papers: Hammond to Governor Hayne, January 23, 1833: "The people of Barnwell are generally very poor, and, though staunch yeomanry, not generally so public spirited I find as some of our neighbors. If drafted there is not a Nullifier in the district and few Union men who would not cheerfully take up arms; they would make soldiers that might be depended on; but as to volunteering, they do not understand it and are not inclined to put themselves to unnecessary trouble. The fact is that there are not intelligent men enough sprinkled about to stir them up, and that they have gone right heretofore I attribute to mere instinct. Whenever they can be collected together I have never failed to produce some ardor among them; but in so large a district, so sparsely populated, it is difficult to get them together, and they know so little of the matter that one exhortation does not last long. I mentioned these things to show you why there has not been so spontaneous a burst of patriotism here as elsewhere."

² The *Sumter Whig* stated that if the tide of emigration from that district continued as it had gone on for the past two months, Sumter would soon literally be a waste and howling wilderness. And it was a matter deemed worthy of remark that it was not the Union men generally—the "spiritless submissionists," as they had been scornfully termed—but chiefly the "brave spirits, the pinks of chivalry, the fire and brimstone eaters," who had "suddenly been enlightened as to the vast advantages of the western country, and were leaving South Carolina in the midst of her troubles." "They were going to leave the glorious triumph of nullification behind them and seek a continuance of their oppressions in the West," the *Mountaineer* put it. See *Mountaineer*, January 12, 1833; *Niles' Register*, January 19.

necessity of prompt and effective measures. "The modern doctrine of nullification and secession [must be] put down forever, for we have yet to learn whether some of the eastern states may not secede or nullify if the tariff is reduced. I have to look at both ends of the Union to preserve it." He must, he declared, at once ask Congress to give the United States officers power sufficient to thwart the Nullifiers. Their leaders were to be prosecuted for treason, and if they were "surrounded by 12,000 bayonets, our marshall" should "be aided by 24,000 and arrest them in the midst thereof. Nothing must be permitted to weaken our government at home or abroad." He was said to believe that no tariff bill could prevent an open rupture, but to hope that one might be passed which would keep the other southern states quiet while he disciplined "Messrs. Calhoun, Hamilton, and Hayne"; without any bill, much was to be feared from the whole South, including even Tennessee. The Secretary of War was said to agree with this view.¹

Jackson's plan did not thoroughly satisfy the Unionists of Charleston, for they were disinclined

¹ Van Buren Papers: Jackson to Van Buren, January 13, 1833; Silas Wright, Jr., to Van Buren, January 13.

to join in mortal conflict with their adversaries as a part of a *posse comitatus* called out by the United States marshal. "There is scarcely a family wherein some member is not in the opposite ranks," wrote Poinsett. They feared that such a plan would not succeed, and that they would find themselves prisoners of the state. They preferred that the marshal and the federal judge should certify that they could not execute the law, whereupon the President could call out the militia and the Unionists would obey the call. They would continue their military organization, though at the disadvantage of having to do it secretly, and would be prepared to go into open warfare with the aid of the general government. They should, they held, be prepared to strike the moment troops began to move from the interior toward Charleston, for if the Nullifiers were permitted to occupy the city, it would cost much blood to dislodge them.¹

As the time approached when the ordinance of nullification would go into effect, things were still unsettled in Congress, but there was a good prospect of a satisfactory adjustment if a little more time were given. This circumstance,

¹ Jackson Papers: Poinsett to Jackson, January 16, 20, 1833.

together with the fact that the State Rights military force had few arms as yet and was in a state of organization by no means efficient, caused the State Rights men to think that it would be best to postpone the date for putting the ordinance into action. A meeting of the party was held in Charleston on January 21. At this meeting were many men who were looked upon as the leaders of the party and whose word was in fact the party law. A set of resolutions was introduced, supported by these men, and adopted by the meeting, recommending that a collision with the federal government should be avoided until Congress had had an opportunity to modify the tariff, and declaring that in case a satisfactory modification did not follow, state action was to proceed. The President and his measures received their customary share of denunciation. General James Hamilton, Jr., spoke earnestly for the resolutions, and said that he had a cargo of sugar coming from Havana, which he would allow to go into the custom-house stores and await events; he would cause no unnecessary collision, but he felt sure that, if their hopes of a satisfactory adjustment of the question were disappointed, his fellow-citizens would go even to death with him for his

sugar. This was greeted with a unanimous burst of applause, and "even to death with Hamilton for his sugar" became a slogan.¹

There were also other considerations which prompted delay. It was pointed out that they could now pause in honor, since the President's message of January 16, asking for acts of Congress to give him additional power to use in case of conflict with South Carolina, was a considerable descent from the lofty position assumed in his proclamation.² The Nullifiers maintained that the President's last message fairly admitted the peaceful character of nullification under existing laws, for it seemed to require extraordinary legislation to give either the President or the collector any lawful means to counteract the state's ordinance. Then, too, there had been received from various quarters in other southern states reports that the doctrine of nullification was not regarded favorably, and the state of Virginia, through its legislature, had requested South Carolina to desist, at least temporarily, and had sent a special messenger, Benjamin W. Leigh, in an effort toward mediation. Many there were

¹ *Mercury*, January 23, 1833.

² *Mercury*, January 21, 23, 1833.

who believed that Virginia and the other southern states deserved at least the concession of a pause.¹

Others there were, however, who stood with the district of Barnwell, which, prompted by James H. Hammond, had expressed itself in favor of the rejection of any mediation from other states urging a suspension of the ordinance, unless it was accompanied by a pledge to prevent the enforcement of the tariff within their limits if it was not repealed in a given time.² The views of the radicals, who were for yielding not at all, were expressed by Hammond when he wrote:

I am satisfied that every stratagem will be resorted to by the administration to induce South Carolina to suspend her ordinance and I am not sure that a majority of the politicians in power in Virginia are not corrupt enough to prostitute her to this purpose, without intending to do more than prostrate our state if possible. Let the ordinance be suspended and their game is manifest. The

¹ *Journal*, January 19, February 9, 1833; *Courier*, February 2; *Niles' Register*, February 9. When the force bill and the compromise tariff were before Congress, Leigh confessed that if the former should pass and the latter fail, South Carolina would probably not listen to the voice of Virginia; if the Nullifiers did "go on," the eastern part of Virginia would remain neutral and the western section would take part against them. See Jackson Papers: Poinsett to Jackson, February 9.

² Hammond Papers: Hammond to Preston, January 10, 1833; Preston to Hammond, January 14.

tariff will be so lowered as to take away (it is hoped) the chief cause of our excitement, and render it impossible to get the people ever again to nullify. The principle however is to remain untouched, and after a few years of respiration the assault again to be made upon our purses and our liberty.¹

And this, in fact, proved a fair prophecy of what did take place. Hammond believed that the people of South Carolina were now ready to nullify a protecting tariff of even 1 per cent, but that the other states would accept a slight reduction of the tariff and that South Carolina would then lose the formidable power she derived from the sympathy of fellow-sufferers. Nullification would then surely end in civil war.

The resolutions of the meeting of the State Rights party of the Charleston congressional and judicial districts, with a speaker or two from the interior, were indorsed by the party at large, and nullification was suspended without further formality. Thereupon Union men remarked that the sovereignty of the state was in an awkward predicament. The Charleston State Rights convocation had apparently determined its supremacy

¹ Hammond Papers: Hammond to Preston, January 10, 1833.

over the convention. The injunctions laid by the convention on the citizen were positive that he should pay no duties under the acts of 1828 and 1832 after February 1; but this solemn determination of the sovereignty of South Carolina had been superseded. The Union men were pleased with the moderation of the State Rights party in recommending to its members that they refrain from contention while the subject of the tariff was so near a settlement; but that such a recommendation proceeded from a local meeting showed in what inconsistency the party had involved itself.¹

Even though the process of nullification had been suspended, the Nullifiers continued their recruiting, for along with the plans for tariff reform the Wilkins force bill had been introduced, to provide for the forcible collection of the duties if necessary. Parades and reviews were staged to arouse interest and encourage enlistment. James H. Hammond, a district commander, reported in the first week of February that the commander-in-chief could count on 850 men in Barnwell, about two-thirds of the fighting men; in the last week in the same month he reported that

¹ *Patriot*, January 23, 1833.

925 had volunteered.¹ To the first report he added:

The late movements in Congress have excited the people very much, and if Wilkins' bill becomes a law they will be prepared for anything. The decided impression now is that there will be a war, and the idea appears to excite the people. The shock that was felt upon the first indication of settling our controversy with the sword is wearing off and there is every prospect of as much unanimity among the people on this question as any of a political character whether of war or peace that was ever proposed to them.

In commenting on the spirit at a recent review, at which speeches by himself, William C. Preston, and S. H. Butler did much to "make the people sound," Hammond said:

Every one seemed ready to fight, and all appear animated by a most thorough conviction that we are unconquerable. I am sure the difficulty with us will not be the want of men but officers and means. It will take one year at least to make our army efficient in point of discipline. The United States have greatly the advantage in this respect, and no human power can remedy the defect at once. We should by all means have a military department in the college. In regard to money it is important to be looking out even now. We shall certainly have to

¹ Hammond Papers: Hammond to Hayne, February 7, 24, 1833.

borrow money, and the moment a blow is struck negotiations should be set on foot for straining our credit to the utmost at once, when it will be best. In the meantime the private resources of the Whigs should be taken into consideration. On this point, I wish to speak for myself at once. I hold my property, all of it, as much at the service of the state as my life; but to calculate on something short of extremities I think I can furnish you next year with the proceeds of an hundred bales of cotton. I did think of making a large provision crop, but reflecting that I was on the frontier of Georgia and flanked on all sides with Union men I thought perhaps it would be safer to plant cotton and furnish the state with the proceeds. If the seasons are ordinary I can afford to give at least one hundred bales without depriving myself of the means of meeting the contingent expenses of my official situation. For this I will take the state's certificate, or no certificate if the times require it. If it should be preferred, I would cheerfully turn over to the service of the state, from the time the first movement is made, all my efficient male force to be employed in ditching, fortifying, building, etc.—of course not to bear arms, which would be dangerous policy to be justified only by the greatest extremities. . . . I trust no resort will be made now at least to increased taxation; the people would not bear it whatever our descendants may have to do.¹

¹ Hammond Papers: Hammond to Hayne, February 7, 1833. Here was a young planter, but lately married, willing to give not merely his services but his whole means of support to the cause of the state. A most bitter and intense spirit of hostility to the North was being developed, which may well be taken into account in con-

One great obstacle which the Nullifiers met in organizing their military force was a lack of arms. Governor Hayne sent out word that the demand for arms exceeded five times the number in the possession of the state. "Our supplies," he wrote, "come in slowly; we have no manufactories, and indeed the finances of the state would be exhausted in procuring half the number of arms that have been called for. You will see at once, therefore, that a strong appeal must be made to the patriotism of the people to furnish themselves with arms and equipments." He believed that what arms the state did possess must be husbanded until actual work in the field was needed; this was a precaution necessary to keep them in the best of condition. However, a small issue was made to supply some of those troops who could not supply themselves. James H. Hammond reported in reply to Governor Hayne that it was in vain to make an appeal to the patriotism

sidering the conflict of three decades later. When the editor of the *Columbia Telescope* heard that a New York militia corps had volunteered to aid the President in sustaining the laws of the Union, he sent a challenge demanding that, in case nullification proved a bloodless affair, the officers at least of that corps should have an opportunity to fight; for a southern antagonist, he said, would be furnished for every one of their officers, from colonel to corporal (*Niles' Register*, February 9, 1833).

of more than one man in fifty for the purchase of arms. Such as they had, the people would use and use well, but they were too poor to buy. Whenever they were called into regular service, the state must expect to arm them, if they were to act efficiently. They might skirmish in the woods and harass invaders with their shotguns, but they could not stand a moment in the field before a regular force properly equipped.¹

It was even rumored among the Unionists that the British consul in Charleston, who was said to be a Nullifier, had assured his friends that he had written to the commander of the British squadron in the West Indies requesting him to send some war vessels to Charleston harbor to protect the persons and property of English subjects. Whatever the pretext, said the Unionists, the appearance of such a force would encourage the Nullifiers, for their leaders had led them to believe that in a contest with the federal government they would receive the aid of Great Britain.²

Meanwhile the Union party was not inactive, for many believed that, if the tariff bill failed to

¹ Hammond Papers: Hayne to Hammond, February 12, 1833; Hammond to Hayne, February 24.

² Jackson Papers: Poinsett to Jackson, February 9, 1833.

satisfy the Nullifiers, civil war in South Carolina was almost certain. Though many Nullifiers still believed that they could settle all differences peaceably by a simple declaration of secession, to William Drayton at Washington it seemed evident that Congress would not permit South Carolina to withdraw from the Union, whatever might be the opinion of the Nullifiers as to the abstract right of a state to secede.¹ The Union men saw the necessity of organization, and held frequent meetings both in the districts where they were in a majority and in those where they were not; "Union Societies" began to be formed all over the state.² The resolutions adopted by these meetings disapproved of the entire plan of action taken by the Nullifiers in the convention and the legislature, praised the President for his policy, and pledged the members of the party to remain true to the Union and never to take up arms against the Stars and Stripes. The Union press considered that the elections for sheriff in several districts in January showed a gain for their party.³

¹ Poinsett Papers: Drayton to Poinsett, January 13, 1833.

² *Mountaineer*, January 5, 12, 19, February 9, 1833; *Patriot*, January 14; *Journal*, February 2; *Messenger*, January 30.

³ *Mountaineer*, January 26, 1833; *Journal*, February 2.

The absorbing interest of everybody seemed to be the support of one or the other of the two parties; small boys in the streets and ministers in the pulpits wore cockades showing their affiliations.¹

In several districts of the interior Union men predominated in the militia companies and prevented them from being counted among the resources of the Nullifiers.² The Union party, too, was making an attempt at military organization. Their work had of necessity to be more secret. Joel R. Poinsett seemed to be known to be the leader of the Union forces, and some Union companies were formed, but not so many as among the majority party.³ Though some of the Union men were so apprehensive that they sent their valuables to the North lest the Nullifiers confiscate them, the Nullifiers were also disquieted because in some few districts the Union military organization took on a formidable character.⁴

¹ *Journal*, February 2, 1833; *Mountaineer*, February 23.

² *Mountaineer*, February 16, 23, 1833.

³ Poinsett Papers: Lee to Poinsett, January 21, 1833; other letters in January and February.

⁴ *Niles' Register*, February 9, 1833; *Messenger*, February 2. In a speech by Wilson, of Charleston, in the convention in March, referred to below, Horry, Chester, Greenville, Spartanburg, and Charleston were especially mentioned as districts where the Union organization was very strong.

The Union men had as a constant source of encouragement the assurance of help from the President when needed. Jackson, however, did not wish to interfere by giving the aid of federal troops, unless that course was positively necessary. He hoped to see the Union patriots of South Carolina themselves put down nullification, save the character of the state, and add thereby to the stability of the Union. He wished, nevertheless, to be kept constantly informed of the action of the Nullifiers; and he was prepared, the moment they should be in hostile array against the execution of the laws, forthwith to order the arrest and prosecution of the leaders; the first act of treason committed, when the first armed force should appear in the field to sustain the ordinance, would, he believed, call to its support all those who had aided and abetted in the excitement; he could then "strike at the head and demolish the monster, nullification and secession, at the threshold by the power of the law."

Then, if any forcible resistance were encountered, he would at once call into the field such a force as would overawe it, "put treason and rebellion down without blood," and arrest and hand

over to the judiciary for trial and punishment the "leaders, excitors, and promoters of this rebellion and treason." On receiving official notice of the assemblage of a force in Charleston, armed to resist the laws, he would have in Charleston, in ten or fifteen days at the latest, from ten to fifteen thousand organized troops, well equipped for the field, and from twenty to thirty thousand more in the interior. He reported to the Union men that he had had a tender of volunteers "from every state in the Union," and could, "if need be, which God forbid, march 200,000 men in forty days to quell any and every insurrection or rebellion that might arise to threaten our glorious confederacy and Union, upon which our liberty, prosperity, and happiness rest." He felt convinced that the whole nation, from Maine to Louisiana, including even Virginia, would unitedly stand behind him in the position he had taken.¹

¹ See Poinsett Papers: Drayton to Poinsett, December 31, 1832; Jackson to Poinsett, January 16, 24, February 7, 17, 1833. In short, Jackson was proving the truth of the picture which George McDuffie had drawn of him a few years previously, in the days before "the mist of nullification overspread his imagination": "In a word, if I were called upon to define what it is that constitutes a talent for governing human affairs with wisdom, I would say that when our country is surrounded with difficulties, and a crisis is presented in her affairs, from which she should be speedily extricated,

Virginia would go with him, he believed, in response to the voice of her yeomanry, even though the legislature and governor opposed him.

the man is best qualified to rule over her destinies—not, who can write, after months of deliberation, the most philosophical exposition of the causes of her embarrassment—not who can declaim most eloquently upon her distress—but who has the judgment to decide with promptitude what is the remedy that will save the republic, and energy enough to apply that remedy successfully whatever obstacles may be interposed by foreign force or domestic treason. Such is the man I should designate as qualified to fill the highest executive office of the republic. And such a man precisely is Andrew Jackson” (*Journal*, March 2, 1833). This Union editor now printed this former characterization of the President by one of his present bitter opponents, and remarked that the author had spoken more truly and pertinently than he had known.

CHAPTER IX

THE COMPROMISE TARIFF AND THE FORCE BILL (1833)

In the meantime Congress was again distraught by the tariff controversy. Verplanck's tariff bill was discussed for some time. At one point of the discussion, on January 23, it was reported that a tariff bill would have passed the House had it not been for a "very insulting and irritating speech" by Richard H. Wilde, of Georgia, which greatly angered the Pennsylvania, New York, and Ohio delegates; there was great excitement and apparently no hope then that the bill would pass during that session. It was believed, the President said, that this speech was made at the instigation of the Nullifiers, who wished no adjustment. The President predicted that the whole country, including even the South, would be united against the Nullifiers when it was discovered that their object was "nothing but disunion."¹

¹ Poinsett Papers: Jackson to Poinsett, January 24, 1833; Van Buren Papers: Jackson to Van Buren, January 25.

The Verplanck bill, which embodied too rapid a reduction for the manufacturers, was finally superseded by the Clay Compromise bill; this measure was more acceptable to the North and yet conceded enough to pacify the Nullifiers. This provided for a slow reduction of the duties for a period of ten years, when they were to reach in general a 20 per cent level. The Wilkins force bill, before Congress at the same time, of course received more denunciation from the Nullifiers than the Clay bill received praise. Though they often declared that should Congress pass the bill, which might well be entitled "a bill to dissolve the Union," South Carolina would surely secede, Congress did pass it, together with the compromise tariff.¹

As matters neared a crisis in Congress, the president of the South Carolina convention, ex-Governor James Hamilton, Jr., summoned it to convene again on March 11 at Columbia, to consider the Virginia mediation offered through Benjamin W. Leigh, and such measures as Congress might then have adopted. The call was

¹ *Mercury*, January 28, February 27, March 5, 1833; *Journal*, March 9; *Patriot*, January 28, February 20; *Mountaineer*, February 16, March 2, 9; *Courier*, March 5.

issued about the middle of February, before the passage of the congressional measures. The Union press then took occasion to point out what they considered the true status of this convention. The *Courier* remarked:

We have called it an anomalous body because in its present shape and with its present pretensions it is wholly without example in the free and republican states of America. It has been called into existence without any definite purpose or object, is wholly irresponsible, and, elevating itself above the constitution and the laws, aspires to boundless and illimitable power. It is, in fact, in itself a despotism, or the machinery of a despotism, which, in the name of the people, exercises authority inconsistent with the rights and liberties of the people—a despotism rendered doubly peculiar and unjustifiable by the fact that it has reared itself in the midst of free institutions and is upheld by those who profess to cherish liberty more dearly than life. It exhibits, in the emphatic language of Mr. Dallas, the extraordinary spectacle of a standing revolutionary convention untrammelled in a republican country.¹

As the time approached when the convention would meet, it appeared that the tariff adjustment would be accepted, but that the “bloody” Wilkins bill would give further trouble, and that the test

¹ *Courier*, February 19, 1833.

oath would be a means of keeping up bitter party hostility in South Carolina.¹

The convention met according to the call on March 11,² and President James Hamilton, Jr., resigned in favor of Governor Robert Y. Hayne. A select committee of twenty-one was at once appointed to prepare the work of the convention. This committee presented on March 13 a report on the new tariff bill, together with an ordinance rescinding the ordinance of November 24, 1832; the report and ordinance were adopted March 15, virtually as at first reported, by a vote of 153 to 4. Three days later another ordinance was adopted which nullified the force bill and made further provision for the test oath.

As to the new tariff act, the convention declared that the reduction provided for by the bill was neither in its amount, nor in the time when it was to go into effect, such as the South had a right to require; yet such a step had been taken toward the true principles on which the duties on imports ought to be adjusted that the people of South

¹ *Mercury*, March 9, 1833.

² Perry Collection, Vol. IX; *Journal of the South Carolina Convention*, March, 1833, with reports of the committees, resolutions proposed, and digest of the debates and speeches by various members.

Carolina were willing to repeal their ordinance. Among the provisions of the new bill which recommended it to their acceptance were the establishment of a system of ad valorem duties, the entire abandonment of specific duties and minima, and reductions to an ultimate 20 per cent level. These were ameliorations of the system to the benefits of which they could not be insensible. But great as must be the advantages of these reductions, they were small in comparison with the distinct recognition in the new bill of two great principles which were deemed of inestimable value: namely, that the duties should eventually be brought down to the revenue standard, even if it should be found necessary to reduce the duties on the protected articles below 20 per cent, and that no more money should be raised than was necessary for an economical administration of the government.

The preamble to the ordinance which rescinded the ordinance of nullification had several features more moderate in tone than several of the members of the convention approved. Some there were who opposed stating any reasons at all; some opposed as hypocrisy the statement that "ardently attached to the Union of the states" the people of South Carolina were still more devoted to the

“rights of the states, without which the Union itself would cease to be a blessing,” because South Carolina was by no means “ardently attached to the Union”; some called the tariff bill a great triumph: while others objected to any show of rejoicing over it because little had been gained, since the real trouble was that the government would continue to be of a despotic nature until limited to those interests common to the whole confederacy, and because until then there would be neither liberty nor security for the South; and while some wanted credit given to Virginia and no mention made of Clay’s bill in the reasons given for the state action, others wanted all credit given to the bill and no mention made of the mediation of Virginia. In many of the speeches there was much boasting of the efficacy of nullification;¹ yet the people were warned to keep up their zeal, courage, vigilance, and military preparations; it was urged that the state should be kept in a firm attitude of defense against the people of the North, for there was more need of such defense than against a foreign enemy.

¹ “With but our one-gun-battery of nullification we have driven the enemy from his moorings, compelled him to slip his cable and put to sea”—a prodigious work “for this little state,” said Robert J. Turnbull, of Charleston.

In answer to the mediation of Virginia, a report was adopted which reviewed the whole situation and justified South Carolina's adherence to the Virginia resolutions of 1798. Great care was taken not to offend Virginia, and a keen appreciation of the Virginia motives in mediation was expressed.

As to the force bill, the convention declared that the principles which the act sought to establish were calculated to "destroy our constitutional frame of government, to subvert the public liberty, and to bring about the utter ruin and debasement of the southern states of this confederacy." The general purpose of the whole act, though not expressed in the terms of it, was perfectly well known to have been to counteract and render ineffective an ordinance of South Carolina adopted in her sovereign capacity for the protection of her reserved rights. Believing in the constitutionality of these reserved rights of the state, the convention declared the force bill unconstitutional on nine distinct counts.

The feature of the work of the convention which was destined to furnish occasion for discord during the next two years was its declaration:

That the allegiance of the citizens of this state, while they continue such, is due to the said state; and that obedience only, and not allegiance, is due by them to any other power or authority, to whom a control over them has been or may be delegated by the state; and the general assembly of the said state is hereby empowered, from time to time, when they may deem it proper, to provide for the administration to the citizens and officers of the state, or such of the said officers as they may think fit, of suitable oaths or affirmations, binding them to the observance of such allegiance, and abjuring all other allegiance, and also to define what shall amount to a violation of their allegiance, and to provide the proper punishment for such violation.

This passed by a vote of 132 to 19. The few Union members of the convention spoke bravely against the test oath, but in vain; the other party was determined to pass this measure of discipline against them, and their protests only called forth severe denunciations of the whole policy of the Union party, which, it was said, had made thorough preparations to defeat the efforts of the state.

The Union party had planned to have a party convention at Columbia at the same time that the state convention met. It was expected by Jackson that in case the state convention should

determine on secession, the Union party would declare its determination to support the United States to the last extremity.¹ Thus while the Unionists had previously stood merely against nullification, declaring that if the state should secede they would go with her, they now gave grounds for an expectation that they would oppose the state if secession developed out of nullification. They would have fought with the state had she openly voted for secession in the preceding fall, but they would not support secession now if it was voted by the state convention elected to adopt nullification as a "peaceable" measure. Some of them said, in fact, that the state had not declared for secession officially, and that if it were adopted it would be the result of deception on the part of the nullification leaders.

But because the time appointed for the meeting of the convention fell at a season when the "substantial yeomanry" of the state, of whom the Union men claimed to have the majority, were starting their crops, and because the belief was general that nullification was "in its last agonies" by reason of the tariff adjustment, and because a party convention was not essential to the cause

¹ Poinsett Papers: Jackson to Poinsett, March 6, 1833.

of the Union and therefore would not be well attended, the Union central committee, composed of Joel R. Poinsett, James L. Petigru, Daniel E. Huger, Richard I. Manning, and Robert Cunningham, postponed the Union convention indefinitely, to be called in case of "new acts of tyranny by the dominant party."¹ The fact, however, that this Union convention had been contemplated for the purpose of opposing the Nullifiers in case they should determine in the state convention to push their remedy farther, had much to do with the bitter feeling evinced in the state convention against the Union party.

The repeal of the ordinance of nullification virtually settled the question of South Carolina's federal relations. There were some grumblings against the tariff during the rest of the year, but in general the main interest of politics centered in the local quarrel between the two parties over the test oath. This controversy appeared even before the convention met and was soon recognized as hinging upon a difference of interpretation as to where paramount allegiance was due.

¹ Poinsett Papers: Chapman Levy to Poinsett, February 25, 1833. *Patriot*, March 11, 1833.

Before the convention met, the *Mercury* recommended a provision for an oath of paramount allegiance to the state to be taken by all state officers and, as part of the condition of citizenship, by all persons thereafter to be naturalized. The Nullifiers maintained that such an oath was not at all different from the oaths of office required by several other states. For example, those of Vermont and Massachusetts, because they contained no reservation of paramount allegiance to the United States in so many words, were said to require the positive and direct allegiance of the officer, in the event of conflict with federal laws, to the laws of the state. This the Nullifiers would put in direct terms instead of leaving it to implication.

The Union editors at once attacked this contention with arguments which they thought conclusive. How anyone who had read the emphatic language of the federal Constitution on this very subject could seriously entertain such a proposition, they said, was not easy to imagine. They quoted from the federal instrument: "This Constitution and the laws made in pursuance thereof shall be the supreme law of the land, anything in the constitution or laws of any state to the

contrary notwithstanding." They argued that the oath and obligation of federal allegiance were necessarily paramount to the oath and obligation of state allegiance; that to make in the state constitution an express reservation of supremacy in favor of the supreme law of the land would be, to say the least, an act of supererogation. In fact, they declared that the obligation of state allegiance included that of federal allegiance, for both the federal and the state constitutions composed the fundamental law within the limits of every state, and the former was in express terms vested with supremacy over the latter in case of a conflict between them.

No one denied the right of a state to require of its citizens an oath of fidelity, and there was not a Union man in South Carolina who would not readily swear or affirm, after the form of the Massachusetts oath, "I, A. B., do solemnly swear, that I will bear true faith and allegiance to the commonwealth of South Carolina, and will support the constitution thereof, so help me God." If this state, even after the passage of her ordinance of nullification, had required such an oath from her citizens, the Union editors saw no reason why it should not have been cheerfully taken by

all. But the Nullifiers' test oath did not conform to this model. It did not merely require the citizen generally to pledge his fealty to the state; it commanded him, under pain of proscription and disfranchisement, to swear that he would enforce a particular measure or set of measures; that he would obey and execute the nullification edict and the laws passed in pursuance of it, although convinced that they were in direct collision with the federal Constitution, which he was already bound to obey as the supreme law of the land. The object of this device, as openly avowed by its advocates, was to constitute the ordinance of nullification, instead of the federal Constitution, the paramount law of the land. The Union men especially objected to the clause requiring jurors to take the test oath.¹

The Union men protested also that such an oath of paramount allegiance to the state would set aside, not only the ordinary obligation to obey the laws of the United States, but that part of the state constitution itself known as the "declaration of supremacy" of the federal Constitution and the oath connected with it. An oath of paramount allegiance to the state would be an

¹ *Courier*, March 6, 1833; *Patriot*, March 9, 11.

abnegation of all other allegiance from the moment it was taken. It would be a contradiction to subscribe at the same time to an oath of paramount allegiance to the state and an oath of paramount allegiance to the United States.

It was toward the end of the session of the convention that the oath question came up. The debate became bitter and so personal that on a Saturday evening it was suggested that adjournment be taken over Sunday, "to hear prayers and cool off."¹ On the following Monday, since the Nullifiers were not able to agree among themselves, the convention agreed as a compromise to refer the entire question of oaths to the legislature. This satisfied neither the radical Nullifiers, who wanted the convention to prescribe the oath at once, nor the Union men, who wanted the whole matter dropped now and forever. This grant of power by the convention to the legislature to settle the matter was decried by the Union men as a provision to disfranchise, keep out of office, and "chain to the chariot wheels of a crowd of despots who ruled the madness of the hour" nearly half the citizens of the state. It was held to be "an odious and tyrannical usurpation,"

¹ Benjamin F. Perry, *Reminiscences and Speeches*.

for the purpose of securing all the offices of the state to the State Rights party, for the Unionists knew that no Union man could be found who would "soil his conscience and sell his country for the paltry consideration held forth by the emoluments of office" when "offered as the wages of iniquity—as the reward of moral perjury!"

Surely this plan could not be executed, for it would arouse the dormant spirit of the people and open their eyes to the approach of despotism, reasoned the Union men.¹ But since the personnel of the legislature would be the same at its next session as at the last, that body would be likely to take such action as the nullification leaders desired, unless a formidable popular sentiment against the oath could be worked up by the Union party. Accordingly, from March until the legislature met, the last week in November, the papers were filled with arguments pro and con on the advisability of adopting an oath.

Though the oath question was still in agitation, the editors of the state welcomed the comparative calm of the next few months. For the past four years, and especially during the last two, the

¹ *Gazette*, March 19, 1833.

papers had been filled with little else than the all-absorbing political issue. Day after day, and week after week, the reader found the columns of the papers filled with long reports of speeches, debates, and arguments on political questions. Although in these months some great contributions to the literature of political science were made, it is not to be wondered at that the readers of these papers became somewhat wearied with so much heavy material, and craved something in a lighter vein. At any rate, the editors felt called upon to apologize for having given so much space to political matter, and they assured their readers that in the future they would devote their columns more to the general news of the day—market prices, miscellaneous productions of history, biography, poetry, tales, anecdotes, and agricultural essays in an effort to stay the process of exhaustion of the soil which was going on. One editor added that murders and accidents would have their due proportion of attention.¹

For a few months following the passage of the compromise tariff there continued some discussion as to the merits of the bill. Some of the nullification papers claimed a great victory for

¹ *Mountaineer*, April 6, 1833; *Messenger*, May 15.

nullification,¹ and nearly all of them were eager to prove that the new tariff was really a victory for the South. They reviewed recent tariff history for the purpose of proving that such a concession as the new bill embodied was much greater than could have been expected shortly before, when Congress had ridiculed a proposal by Hayne that no duty on any article should exceed 100 per cent. Now they had a law demanding the gradual reduction of the duty on every article to 20 per cent; ad valorem duties were to become general, and the abominable minimum system was to be abandoned; a number of articles received almost exclusively in return for the productions of the South were in a few months to be admitted duty-free. These same papers pointed out that the bill, though objectionable in some of its provisions, was decidedly more advantageous

¹ *Messenger*, March 20, 1833. An excellent example is quoted by *Niles' Register*, March 23, 1833, from the *Columbia Telescope* of March 12: "This little state . . . has foiled the swaggering giant of the Union. 30,000 Carolinians have not only awed the Wild West into respect, compelled Pennsylvania stolidity into something like sense, New York corruption into something like decency, Yankee rapacity into a sort of image of honesty, but all this has been loftily and steadily done in the face of 17,000—what shall we call them? What epithet is of a shame wide, lasting, and deep enough for the betrayers of the liberties of their own country . . . ?" The closing remark was directed at the Union men.

to the South than any that had been offered for years, and that its passage before the act of 1832 had gone into operation proved beyond doubt that it was brought about by some unusual cause. That cause, they declared, was nullification.¹ The tariff and administration press of the North, and the Union and administration or "collar" press of the South, however, attacked the bill in vigorous terms; some of the Union men even protested that it was worse than the bill of 1832, and announced that they would proceed to get a better one some day in their own way.²

Jackson took a view of the entire affair radically different from that of the South Carolina Nullifiers. On March 21, 1833, he wrote as follows:

Nullification, supported by the corrupting influence of the Bank, with the union of Calhoun and Clay, which collected around them the corrupt and wicked of all parties, engaged all my attention to counteract their combinations, and defeat their wicked projects. I met nullification at its threshold. My proclamation was well timed; it opened the eyes of the people to the wicked designs of the Nullifiers, whose actings (?) had been carried on in silence, whilst its ostensible object, which deluded

¹ *Messenger*, March 20, 27, June 26, 1833. Hammond Papers: Hammond to M. C. M. Hammond, March 27.

² *Journal*, July 20, 1833; *Messenger*, April 17, May 8.

the people, was a peaceable and constitutional modification of the tariff. The tariff was made the ostensible object, when a separation of the union by the Potomac, and a southern confederacy, was the true one. The proclamation drew the attention of the people to the subject, and from Maine to Louisiana, the united voice of the people repudiated the absurd and wicked doctrine of nullification and secession, and the advices of today inform us that South Carolina has repealed her ordinance and all the laws based upon it. Thus dies nullification and the doctrine of secession, never more to be heard of, only in holding up to scorn and indignation its projectors and abettors, and handing them down to posterity as traitors to the best of governments.¹

The Wilkins bill received far more attention than did the tariff law. The nullification leaders pointed out that the question had assumed a different form; that the issue now was between a consolidated government, exercising the powers claimed under the bloody bill, trampling down the authorities and rights of the states, and a confederacy of sovereignties. They predicted that the new issue would unite the South, and that the South united would triumph or be forced to submit to an irresponsible despotism.² John C. Calhoun believed that a consolidated government

¹ Jackson Papers: Jackson to ?, March 21, 1833.

² *Messenger*, March 20, 1833.

had indeed been established by law under the force act, and that unless there should be a complete reaction which would repeal that act and completely reform the government, the South must expect and prepare to sink under corruption and despotism. His hope of avoiding this catastrophe was placed in the agency of state rights to be used by the southern states as South Carolina had employed them against the tariff.¹ To the State Rights party it seemed that the force act was destined to be the dividing line between the Republicans and the Federalists, as were the Alien and Sedition laws in former days. The present federalism, they believed, had assumed a bolder tone than that of an earlier time, for it had come out in open advocacy of a government without limitation of powers and even dared to place the purse and the sword of the nation in the hands of a single individual, to be used at his discretion.²

Some of the President's closest political sympathizers believed that he had been too hasty in his message asking for the force bill; that his message and the bill should not have appeared

¹ Calhoun Correspondence: Calhoun to Christopher Van Deventer, March 24, 1833; Calhoun to Thomas Holland and Committee, July 2.

² *Messenger*, April 3, 10, May 1, 1833.

until the close of the session and it was certain that South Carolina had put her ordinance into execution. As it was, the administration was embarrassed by having its leading measure supported by its bitterest enemies—ultra-federalists and ultra-tariffites—who would be pleased to see the North and the South arrayed against each other. If South Carolina yielded to the Virginia intercession, there was no need for the enforcing act, and if she should not yield, it could have come forward under most favorable circumstances.¹

After the convention had ended the nullification episode as far as the tariff was concerned, the Nullifiers still continued their military organization. On March 26 general orders were issued from the headquarters of the commander-in-chief at Charleston,² declaring that in view of the force bill, though the convention had repealed the ordinance of nullification and the acts of the legislature passed in pursuance thereof, it had expressly excepted the act “further to alter and amend the

¹ Van Buren Papers: Cambreleng to Van Buren, February 5, 1833; T. H. Benton to Van Buren, February 16; Van Buren to Jackson, February 20.

² Hammond Papers: General orders, signed by J. B. Earle, adjutant- and inspector-general. This copy was sent to J. H. Hammond and is dated March 26, 1833.

militia laws of the state," under which the nearly 20,000 volunteers had been organized and their services accepted. The volunteers would, therefore, retain their existing organization at least until the next session of the legislature. The old militia organization was also to continue as before.

It was believed by some of the State Rights men that although the action of the convention which declared the allegiance of every Carolinian due to the state and obedience merely as the due of the constitutional laws of the general government would probably not give rise to any disturbance, yet Jackson was "such a hot headed old fool and scoundrel" that there was no telling what he might do. "At all events," said one of the leaders, "we continue our military preparations and shall keep them up until the force bill is repealed and probably always. It has come to this in our opinion, that we of the South are to have no more freedom than we can maintain at the point of the sword and we are determined to be always prepared for that issue whenever it is necessary to make it."¹

¹ Hammond Papers: Hammond to M. C. M. Hammond, March 27, 1833.

No means was neglected which might be used to keep up the interest of the State Rights men in their military organization. For this purpose, and to offset the influence of a dinner given by the Union men for the officers of the federal government sent to Charleston to be ready for action, the Nullifiers gave a "Grand Volunteer Ball" on March 27. The decorations were very elaborate; the palmetto flag was everywhere to be seen; transparencies told in terse mottoes the virtues of nullification; the names of the party heroes were in prominence; but nowhere did the Stars and Stripes appear, because it was identified with the bill of blood.¹

Five days later, on April 1, another military celebration was held in Charleston. This was of a different character and became the model for a type of festivity which was encouraged the state over in an effort to keep the volunteers organized. The governor reviewed the local troops and presented them with a standard of the "nation of South Carolina," as the opponents derisively called it. The troops were told again of the wonders they had wrought, and were urged to maintain their organization, that they might be

¹ *Mercury*, March 27, 1833; *Niles' Register*, April 13, 20.

ready for future deeds as great. Thereafter the governor reviewed and presented with a standard "in behalf of the state" every volunteer regiment which would of its own accord turn out to receive the honor. In some districts the plan to keep up interest worked well, and much enthusiasm was displayed, but in others the troops lost spirit and disbanded in spite of efforts to keep them together.¹

The Nullifiers also exploited other occasions which afforded opportunity for a display of party spirit. Robert J. Turnbull, known as "Brutus," one of the most active leaders of the party, died in the summer. The nullification papers took occasion in praising his work to boast of their doctrines; immediately a fund was started for a monument, and later in the year the cornerstone was laid with much ceremony. John C. Calhoun and Robert Y. Hayne both spoke earnestly for the cause.²

¹ *Niles' Register*, April 20, 27, September 7, October 26, 1833; *Mercury*, May 4. Hammond Papers: Hayne to Hammond, April 4, and letters of April, May, and June of 1833. As an indication of the way in which some of the men of the interior had ceased active work in behalf of the State Rights cause, a letter by Hammond to I. W. Hayne, dated December 17, 1833, is eloquent. He said, in part: "I have purchased two fiddles . . . and divide my leisure time between fiddling and reading Grecian History." A year previously he had no leisure time, nor time even for his plantation; he was devoting it all to the military organization of the party.

² *Mercury*, June 15, November 19, 25, 1833.

The Fourth of July furnished the Nullifiers another opportunity to parade every uniform. Their toasts were steeped in the nullification doctrines, and many were very ungenerous toward their enemies, Jackson and the Union party.¹

¹ *Mercury*, July 6, 1833; *Messenger*, July 10, 24; *Niles' Register*, August 31. The following are examples of the more ungenerous toasts:

"Nullification: a shield against which the poisoned darts of aspiring demagogues and the puny efforts of disappointed ambition have struck in vain. It has preserved the Union from dissolution, the Constitution from infraction, and our government from consolidation."

"Andrew Jackson: a political lunatic, exempt from responsibility for his acts, and dependent for their propriety or folly entirely upon the sanity of his keepers."

"Drayton, Blair, Mitchell, and all other southern advocates of the tariff and bloody bill: may they ever lie hard, have bad dreams, and die of lingering diseases and leave few friends to weep for them when dead."

One editor, in looking over the toasts given by the "plain farmers and working men" of the state, was astonished at the knowledge of the character of our institutions and of the political history of the times displayed by those whose opportunities of education were known to have been extremely limited. Though couched in some instances in homely language, they nevertheless showed that all had been awakened during the recent struggle to an investigation of the affairs of the nation and of the principles on which the government was founded. The editor averred that if no other good had grown out of the contest, this general diffusion of intelligence, which he believed had placed South Carolina people as a mass ahead of any others in the United States for political knowledge, should be set down as great gain (*Messenger*, July 10).

In their efforts to keep the Nullifiers organized and zealous, Robert Y. Hayne, George McDuffie, William Harper, and other leaders had used such expressions as these: "We must regard ourselves as at the beginning, not the end, of a contest. In less than another year we may be called to arms. Such is the present aspect of things that we cannot safely intermit our military preparations"; "The battle is but begun"; "If, then, I am disposed to accept this compromise, it is with a distinct annunciation to our people that their zeal, their courage, their vigilance must not be abated; nor must they, for a single instant, intermit their military preparations!"¹ The Union editors pointed out that such statements meant either that the leading Nullifiers were to keep up the excitement and "the fudge and flummery" of military display for petty party reasons and to keep themselves prominent, or that they contemplated secession at a later date. The entire program of the Nullification party seemed to the Union men to be one displaying the most insolent tyranny—"outrageous, bare-faced, premeditated and insupportable tyranny" of a "gang of

¹ *Mountaineer*, April 20, August 24, 1833; *Journal*, March 23, June 8; *Gazette*, April 1.

desperadoes." It was a "relapse into down right barbarism."¹

Union speakers defended the force bill and belittled the compromise tariff.² The party papers noticed every apparent lagging of spirit among the ranks of the opposition.³ Calhoun's first speech on the force bill was picked to pieces by an editor who, after only a partial examination, pointed out twelve errors as to history and matters of fact.⁴ The debates of Calhoun and Webster, in the Senate in February of 1833, on the nature of the government were printed; Webster was held to have given the correct view, while that of Calhoun was ridiculed as being full of "strange fallacies," "meretricious charms of error," "delusions of sophistry," and in many places almost "childishly fallacious and contradictory."⁵ The anomalous position of the late state convention was much ridiculed and the question was ironically asked whether the state was still "on her sovereignty."⁶

¹ *Writings of Hugh S. Legaré*: letter by Legaré to I. E. Holmes, April 8, 1833, p. 207.

² *Journal*, March 16, 1833; *Patriot*, July 5, 29.

³ *Messenger*, June 5, 1833; *Mountaineer*, August 10.

⁴ *Courier*, May 28, 1833.

⁵ *Patriot*, April 4, 1833; *Courier*, April 5.

⁶ *Courier*, April 19, July 19, 1833; *Mountaineer*, April 20.

The protean character of nullification was shown, and the misuse by the State Rights party of the phrase "sovereignty is indivisible" was pointed out.¹

When the *Edgefield Carolinian*, a Columbia paper, and the *Mercury* all claimed that the advance in cotton, noticed in August, was attributable to nullification, the *Patriot* replied that such a statement might be expected from "an ignorant up-country editor,"² unacquainted with the matters of trade, but was inexcusable in the *Mercury*. "Nullification," it was remarked, "must indeed have performed wonders, if it has given increased activity to the cotton mills of Europe and interfered with certain physical laws of our globe so as to have checked the growth of cotton." The Nullifiers were asked what they would have said had the high price of cotton in 1825 been attributed to the passage of the tariff

¹ *Courier*, November 23, June 15, 1833. Indivisible sovereignty, the Union men argued, applied only to the prince and not to the people. South Carolina, they said, had actually divided hers (the delegation of it had been divided, was probably what was meant), yielding a portion of it to the "great community of the Union."

² These editors were by no means all ignorant. The editorial columns of some of the up-country papers were far more able than those of some of the Charleston papers.

law of 1824. One statement was just as absurd as the other, to the Union men.¹

When it came time for the Charleston city elections in September, the Union men refused to nominate a ticket, because, they said, they wished no longer to continue the excitement and antagonism. Just before the election, however, an independent ticket appeared, which made a fair showing, but was not able to defeat any part of the State Rights ticket. The State Rights men accused the Union men of thus trying, under a disguise, to get into control. The Union party, as such, denied the charge, and said that what few Union men voted the Independent ticket, which was promoted by seceders from the Nullification party, did so as individuals and without party concert.²

During this year there came a congressional election, delayed from the year before. In the last Congress the Union men had had three of the nine members of the House of Representatives. As a result of the election in September of 1833 they had only one, James Blair. In a few dis-

¹ *Patriot*, August 21, 1833; *Niles' Register*, September 7.

² *Mercury*, August 23, 30, September 4, 1833; *Courier*, September 4.

tricts, however, the Union party made a better showing than ever before. In Charleston the party decided not to run a candidate, knowing that it would be defeated and thinking that the people had been long enough harassed by political strife. In December the Nullifiers of Charleston easily elected a man to take the place in the state legislature left vacant by the election of Henry L. Pinckney to Congress.¹

¹ *Mercury*, May 10, September 5, 13, December 6, 12, 1833; *Mountaineer*, August 31, September 7; *Messenger*, September 4, 18.

CHAPTER X

THE TEST OATH (1833-35)

As the time approached for the legislative session the papers began to discuss the oath question more fully. The nullification papers declared that the oath would be passed by the legislature. The Union papers were filled with warnings against such action. They pleaded with their opponents to be satisfied with the victory they claimed to have won and to give the people a respite from the most angry and distracting party contest ever witnessed in the state. The Nullifiers were warned that the Union men would no longer tamely submit to the tyranny of being excluded from office because they would not swear to the truth of nullification. The Union men continually endeavored to make it clear that they did not object to a mere oath of allegiance to the state, but only to an oath of allegiance clothed in language which amounted to a denial of their federal obligations. Such an act, they asserted, would rekindle the flames of party discord and again involve the state in complete disorder, for

those districts in which the Union party was still in the ascendancy would "choose political disorganization sooner than yield to such an arbitrary measure."¹

There were some in the State Rights party who, up to a very late date, doubted the wisdom of the passage of an oath unless some emergency made it necessary to the safety of the state. They would not advocate it positively, but would let the legislature decide on its expediency. Some of this class were converted just before the legislature met, probably by the tone of the presses, into active advocates of an oath.²

The oath was the only important question before the legislature. The Nullifiers finally passed a law abolishing all the military commissions in the state militia and requiring all who should thereafter be elected to take the following oath of allegiance to the state in addition to the oath of office required by the state constitution: "I, A.B., do solemnly swear, or affirm, that I will be faithful and true allegiance bear to the state of South Carolina; and that I will support and

¹ *Messenger*, November 14, 26, 1833; *Mountaineer*, November 23; *Courier*, November 23.

² *Mercury*, November 26, 28, 1833; *Journal*, January 25, 1834.

maintain, to the utmost of my ability, the laws and constitution of this state and the United States; so help me God.” Of course the Union men opposed it bitterly, but in vain. Some few of the Nullifiers still opposed it; of the Charleston delegation only one fought against it. There could be no doubt left as to the interpretation of the oath intended by the Nullifiers, for they voted down in the Senate an amendment which provided “that nothing herein contained shall be construed so as to impair or in any manner affect the allegiance now due by the constitution of this state and of the United States.”¹

The State Rights men contemplated a further exclusion of Union men, for they passed for the first time a bill to amend the state constitution so as to add a similar oath to be required of all officers in the state. The oath was to be extended from the military to the civil list. As an amendment to the constitution required the approval of two successive legislatures, the question would not be finally settled until the next year, when a new legislature would convene. The oath for all officers, which was proposed to be incorporated in the constitution by amendment, and on which

¹ *Journal*, December 21, 1833; *Courier*, December 10.

the people were to decide finally at the next fall elections, was:

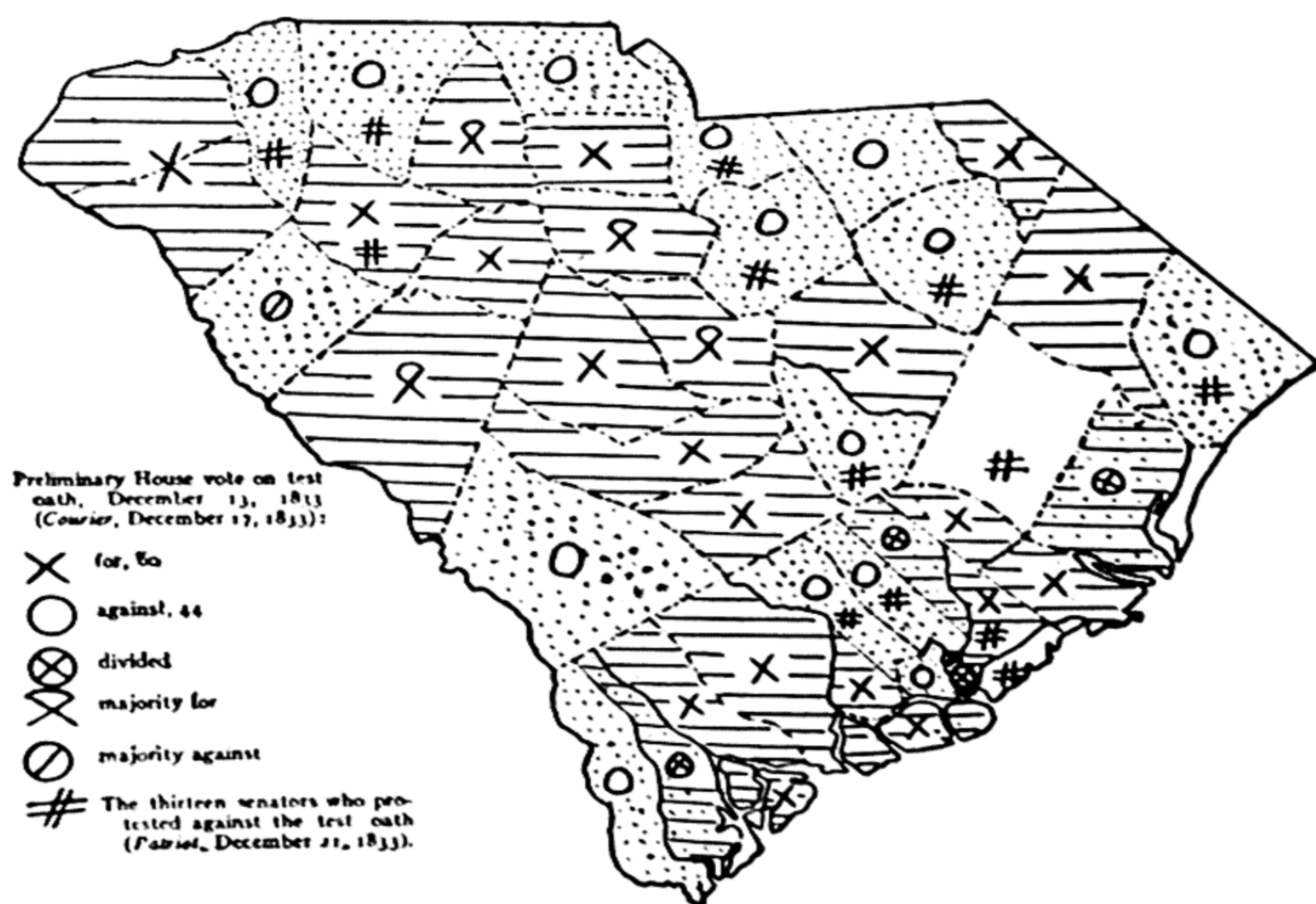
I do solemnly swear, or affirm, that I will be faithful and true allegiance bear to the state of South Carolina so long as I may continue a citizen thereof; and that I am duly qualified, according to the constitution of this state, to exercise the office to which I have been appointed; and that I will, to the best of my abilities, discharge the duties thereof and preserve, protect and defend the constitution of this state and of the United States; so help me God.¹

Thirteen of the senators, belonging to the Union party, drew up and published, on December 16, a protest against the oath as unnecessary if it were not to be interpreted as interfering with the oath to the federal Constitution, and as unwarrantable if it were to be so interpreted. A plot of a preliminary vote in the House on the oath question shows that the ranks of the Nullifiers were broken somewhat by the loss of some who refused to continue further the persecution of the Union men. But those who at first hesitated were later persuaded to vote for the oath.²

¹ *Mercury*, April 30, 1834.

² The preliminary vote in the House was 60 to 44, but the military act and the oath amendment were passed by 89 to 23 in the House, and 31 to 13 in the Senate (*Courier*, December 17, 1833; *Messenger*, July 30, 1834). See Map IX and p. 107, n. 3.

Although the oath as adopted by the legislature did not in so many words demand paramount allegiance to the state, the Union men believed that all circumstances pointed to that interpretation. To them the oath in the military bill



MAP IX.—House vote on the test oath, 1833

was pregnant with a meaning beyond its literal signification; when viewed in connection with the ordinance of the late convention, from which they believed it might be said to have emanated, it became to all intents and purposes an oath of

paramount allegiance to the state, which no one who believed in the supremacy of the federal Constitution could take with a blameless conscience, because the ordinance had defined allegiance as something distinct from and superior to the obligation to support the constitution and laws of the state and the Union, and declared it to belong exclusively to the state. When to this was added the fact that the party which passed the oath of allegiance in the legislature was the same that defined allegiance in the convention; that nearly every speaker in the legislature in favor of the oath supported it as an oath of paramount allegiance; and that the amendment of Daniel E. Huger in the Senate, proposing that the oath should not be so construed as to impair the allegiance hitherto due to the Union, was defeated; its motive and its construction became too obvious to permit a Union man to take it without being recreant to his principles. The Union party would be ever ready to swear all allegiance and yield all obedience to the state consistent with the federal Constitution, but no lure of office, no fear of martyrdom would induce its adherents to assume an obligation of even doubtful import, exacted by the dominant party as a political test

which might bring suspicion upon their motives and principles.

It was pointed out by the Union men that there were some few members of the legislature of the ruling party who still insisted that the oath was expressly put in its present form to leave open the question of exclusive allegiance, and that it was not intended to proscribe the Union men for adherence to their former faith. These gentlemen were urged to speak through the press, for if they could get the majority of their party to admit that the oath was not intended to exact paramount allegiance to the state, they would prove it to be harmless, remove all ground for excitement, and perhaps dissipate the portentous cloud of civil war. But no such interpretation came from the dominant party.¹

The Union papers called attention to some of what they regarded as "mean details of the nefarious military bill." The first section of this act revoked the commissions of the major- and brigadier-generals and gave the legislature power to appoint those officers *ad interim*. This the

¹ *Courier*, January 23, 1834. This was the key to the compromise as finally effected in December of 1834.

legislature did at once, and thus the dominant party dispossessed the only two Union generals in the state, James Blair and James Rogers. The election recurred again to the people, but, it was asked, was not this one move toward robbing the people of their elective franchise?

Section six provided that on April 10 the commission of every militia officer of the state should be vacated. On April 11 an election would take place throughout the state for the purpose of choosing officers to fill the places of those who had been turned out. In some districts Union men would be elected; if they should refuse to accept the office and take the oath prescribed, the colonel would appoint men to fill the vacancies thus occasioned; and if the person appointed refused to accept the office, he was to be tried by a court martial, from which there was no appeal, and was to be fined \$20.

Another section of this "warlike act" provided that the buttons worn upon the uniforms of all officers should bear the "Palmetto Emblem." At a time of less excitement the palmetto button would not have been objected to; but at this time, since this emblem had been adopted as the insignia of a party whose sole object seemed to be the

dismemberment of the republic, the Unionists of the mountain districts announced that they would "never suffer it to disgrace their persons" until they had been "driven across 'the last ditch.' " Scarcely a Union man mentioned this act without pronouncing it uncalled for and tyrannical in the highest degree.¹

Some few there were among the Union party who were willing to take the oath, regarding it as perfectly harmless, because they believed it could be construed as each individual liked. These were assured by the great majority of the party, however, that the judges who were very likely to be Nullifiers would not so interpret it, but would demand, as the Nullification party urged in the legislature, exclusive allegiance to the state and a paramount obligation to defend and uphold the sovereignty of South Carolina whenever it might come into conflict with the sovereignty of the United States.²

Union writers told their party that its supporters must submit in quiet humility, migrate, or resist. If the first course were followed, they

¹ *Mountaineer*, January 4, 1834.

² *Patriot*, January 15, 1834; *Courier*, January 15; *Journal*, January 25.

would suffer martyrdom, it was true, but it would be that kind of martyrdom which a censorious world termed base submission. They would be marshaled in the ranks where they were held unworthy to share the command; they would be marched to and fro, be exhibited, sneered at, and despised by every upstart whose "only patent for sense or capacity" was "his diploma from the Jacobin Club." Would "the brave mountaineers of Carolina submit to it? They must change their nature first." If they migrated, then "they must take up their household gods and with all the world before them where to choose, and Providence their guide, seek in other climes a resting place where a free man could deign to live. Aye, they must leave the scenes of their childhood and the graves of their fathers and wander abroad from the inhospitable boundaries of a once generous and high minded state, like the exiled Poles, 'a caravan of woe.' " The last course, resistance, would "plunge the steel into the bosoms of sons, fathers, and brothers."¹

Some of the Union men argued that the convention had no right to authorize the legislature to enact new oaths to supersede or modify those

¹ *Courier*, January 18, 1834.

contained in the constitution. The convention itself, they said, could not have amended the constitution unless it had been elected by the people for this particular purpose. At all events, they declared, it must be admitted that they could not delegate their power of amendment; yet when they authorized the legislature to impose the new oaths they undertook to delegate authority to alter the constitution, where an oath of fidelity to the state was already imposed; it therefore followed that the legislature could not pass a law imposing a new oath on the military officers of the state, pretending to derive their right to do this from the convention. The Nullifiers in answer attacked the Union party for now objecting that the convention went beyond its true power, when in objecting to the call of the convention the Unionists had asserted that the convention would be all-powerful. The Union presses then answered that it had been argued that a convention might act as if it were omnipotent, but not that it would have the right so to act, and that the event had justified the fears of its opponents.¹

In the upper part of the state, in the mountainous districts and in Greenville especially, the

¹ *Patriot*, February 19, April 5, 1834.

Union men showed signs of forcible resistance. When the ordinance of 1832 was passed, "the freemen of the mountain districts" were much exasperated, but the excitement then was said to be not nearly so intense or universal as now. Immediately after the legislature adjourned, meetings were held in rapid succession, each one seeming more determined in tone than the preceding. On January 4 the resolutions of a local Greenville meeting exhorted the officers to hold their commissions in defiance of the act, and the people swore not only to obey no officer who took the oath, but to stand by their "own true officers to death." In Darlington, Spartanburg, York, Anderson, Pickens, Laurens, Abbeville, Chester, Horry, Williamsburg, and other places in the interior, local and general district meetings were held to denounce the oath and pledge various degrees of resistance to it. The *Mercury* tried to make light of this "silly effort to get up an excitement," but it soon proved to be more than a "silly effort"; it was an outburst of public indignation which deserved and demanded consideration.¹

¹ *Mountaineer*, January 11, 18, 25, February 1, 15, 22, March 1, 1834; *Patriot*, January 17, 23, February 6, 21, March 1, 11; *Journal*, January 18, February 1, March 8.

On sale day, on February 3, a district meeting was held in Greenville, according to previous announcement. It was pronounced the largest assemblage of Union men ever convened in the district. Resolutions were adopted which did not contain as strong language as several of those from the local meetings, and a respectable minority of the committee of twenty-four who drew them up objected to them on that account. The resolutions declared that the Unionists would first use those means which were legal to get a repeal of the military act and an abandonment of the proposed amendment to the constitution. They would not in any way aid or assist in carrying into effect the act, and should an attempt be made to levy fines upon them for their refusal so to act, they would look for protection to the "virtue, intelligence, independence, and patriotism" of their fellow-citizens. In order to defeat the operations of the military act they would run Union candidates for all militia offices to be filled on April 11, and they would neither obey any orders nor do militia duty under officers who might be appointed over them. In March the people of the lower country were up and doing. Although they did not move as soon as the people of the

mountains, they appeared to make up for lost time by their spirit and zeal in opposition to the work of the legislature.¹

In February there was agitation for another meeting of the Union convention to decide on a course of action for the party at large before April 11. The result was a call for the convention to meet in Greenville on the fourth Monday in March, and the districts at once began to appoint delegates.² On March 24 the convention met with 110 delegates. A committee of twenty, composed of a delegate from each district represented, was appointed to draft the customary "Preamble and Resolutions." Several communications were presented from districts whose delegates were unavoidably prevented from attending; they pledged life and property to sustain the proceedings of the convention. The short notice given and the lack of speedy means of travel made it impracticable or impossible for many distinguished members of the party to reach Greenville in time.³

¹ *Mountaineer*, February 8, March 15, 1834; *Journal*, March 8; *Patriot*, March 17.

² *Mountaineer*, February 22, March 9, 1834.

³ *Mountaineer*, March 29, 1834.

The preamble reviewed the objections of the Union men to the oath and stated that they regarded this attempt to make them violate their obligations to the United States as one of a series of measures devised to destroy the government of the country and to dissolve the Union; they expressed the hope and the belief that their opponents would not be insistent to the point of shedding blood, but if they were driven to it, force would be opposed by force. They would try every peaceful and constitutional remedy first and hoped that the judicial tribunals would relieve them. The resolutions were much like those of the earlier Greenville district meeting; they recommended that the Unionists should elect officers of their own party whenever they had the power to do so, and not serve under any officer who might be appointed to command them. They then provided for a system of organization for the party. A committee of five members was appointed to correspond with a committee of three in each regiment, who should correspond with a committee of three or more in each beat company. These committees were together to form a convention to meet whenever and wherever required to do so by a majority of the committee of five.¹

¹ *Mountaineer*, March 29, 1834.

Though the members of the convention seemed to display an unalterable resolution to "resist even unto death if necessary" rather than submit to the "tyranny of their opponents," they seemed anxious to adopt such a course as would make the Nullifiers the aggressors. Without commencing or provoking any hostilities they tried to make preparations to repel any attack made upon themselves.

Meetings were soon held in the various districts to receive the reports of their delegates and approve the action of the convention. At the Charleston meeting Joel R. Poinsett related an incident of the convention which showed how serious the Union men considered their position. The officers of a regiment assured him that if the test oath should be enforced they were ready with their regiment to shoulder their muskets and "seek liberty of conscience and the right of freemen in another clime"; they desired to know from him whether the general government would not assign them a territory for that purpose. He told them to "stand fast"; that they had a right to the soil, and that the "laws and authority of their country" would protect and shield them from tyranny where they stood; that for his part, here

he was born, here he was resolved to die, and no persecution should drive him from the soil of Carolina, where "the Star Spangled Banner should be his shroud, pure and spotless, he hoped; but even if stained with blood, still it should be his shroud."¹

Meantime the Nullifiers persistently claimed that there was nothing in the oaths to which exception could be taken. Their papers day after day printed them as the best argument that there was nothing objectionable in them. Their editors argued that neither oath was at all different from that in half the states of the Union.² They protested that the people of the interior were being aroused by misrepresentation. Some belittled the paper belligerency of the Union party and pronounced it simply a scheme to frighten the opposition into calling an extra session of the legislature to repeal the military oath. Others believed that the agitation was waged as a war cry, needed by the leaders, men anxious to run for Congress, to keep the party together.

¹ *Patriot*, April 1, 1834. Poinsett Papers: Poinsett to the Georgetown meeting, April 18.

² *Messenger*, February 5, March 19, 1834; *Mercury*, February 18. The oaths required in Maryland, New Hampshire, Vermont, Massachusetts, Kentucky, New York, and Georgia were cited.

The Greenville convention, indeed, was said to be nothing more than a means to regain party ascendancy, and the *Mercury* constantly referred to it as "the late electioneering doings."¹

When the elections for militia officers were held, several Union men were elected. These men refused to take the oath, and their commissions were withheld. Several cases went to the courts,² but probably one of the first, which attracted the most attention and was followed eagerly by all as the test case, arose in Charleston. Judge E. H. Bay, of Charleston, on March 4 rendered a decision in favor of the constitutionality of the military oath. In this case there was a motion

¹ *Mercury*, February 18, 24, March 31, April 24, 1834; *Messenger*, February 26, March 19. The *Mercury* made many efforts to discredit and ridicule the convention. On April 5 it said: "We learn that some of the meetings which sent delegates to the Nation of Greenville were exceedingly select and private, and the secret well kept for a time, as it was entrusted to very few. At Anderson it is said that the meeting was over before the people knew it was to take place, and if we remember right, that it was necessarily unanimous, as besides the chairman and secretary there was a 'respectable' attendance of only one person. The chairman may have opened the meeting as the Dean did the service when his congregation consisted of his Clerk, with 'Dearly beloved Roger,' instead of 'Dearly beloved Brethren.' "

² Perry Collection, Vol. XIV, opinion of Judge J. S. Richardson in the case of *McDonald v. McMeekin*, Lancaster district, April, 1834.

for a mandamus to Colonel B. F. Hunt, who commanded the Sixteenth Regiment of the South Carolina Militia, requiring him to give a commission to Edward McCrady as first lieutenant in the Washington Light Infantry, a company of the Sixteenth Regiment. The Judge held that Colonel Hunt was warranted in refusing the commission because McCrady had refused to take the oath prescribed in the tenth section of the militia act. An appeal was immediately made to the court of appeals. The lawyers on the Union side announced that they expected to carry it from that court to the federal court, if necessary. The case was brought before the court of appeals in Charleston on March 31, but as one of the three judges was not able to attend, the case was ordered to be reargued at the next session of the court in Columbia in May.¹

During April and May the papers were filled with the arguments before the court. Every part of them was picked to pieces, and some references were made to the court by the Nullifiers which the Union presses cited as efforts to intimidate the judges.² On June 2, after a hearing

¹ *Mercury*, March 26, 1834; *Mountaineer*, April 12.

² *Patriot*, April 29, May 1, 1834.

that had been watched eagerly all over the state, the court of appeals by a vote of two to one annulled the test oath; Judges Joseph Johnson and J. B. O'Neill were together against Judge William Harper. They held that the convention had gone beyond its powers in its attempt to delegate power to the legislature to pass the oath as an ordinary enactment.

The Union papers, of course, rejoiced greatly, and some predicted that this would put an end to the oath controversy.¹ The Nullifiers soon reminded them, however, that this was by no means the end. They meant to make the oath the issue in the next election, carry it through the legislature again by two-thirds, and thus have it a part of the constitution, beyond the reach of Union judges.²

Some of the Nullifiers saw that it would be best to take no rash or violent step which would excite sympathy for their opponents; they resolved quietly to direct their whole energies to the fall elections.³ But there were others who

¹ *Courier*, June 4, 1834.

² *Mercury*, June 5, 1834.

³ Hammond Papers: William C. Preston to Hammond, June 12, 1834; Calhoun Correspondence: Calhoun to Pickens, June 5.

thought that the ultra-consolidation opinions of O'Neill and Johnson justified immediate and severe rebuke. Some talked of an immediate call of the legislature to remove the judges. Others thought the governor ought to nullify the decision by withholding commissions.¹ Some of the presses at once began and continued for some time an abusive tirade against the Union judges.² Some there were who thought that the convention had committed an error in discussing the oath and in giving it an importance that it would not otherwise have had; that the legislature had made a greater error in passing it in the military bill; and that the greatest of all errors would be to attempt to retrieve by calling an extra session of the legislature to remove the judges. Some even admitted that the judges were right in their decision, but felt that the doctrines put forth by Johnson and O'Neill were uncalled for and so extreme as to demand the removal of these judges in a quiet way at least.³

State Rights meetings were held in many quarters to denounce the decision of the court as con-

¹ Hammond Papers: Angus Patterson to Hammond, June 2, 1834; Preston to Hammond, June 12.

² *Mountaineer*, June 14, 1834; *Journal*, June 14.

³ Hammond Papers: Preston to Hammond, June 12, 1834.

taining dangerous doctrines, to declare that the appeal court should be remodeled or abolished, and to suggest an extra session of the legislature for the purpose of passing a law defining treason against the state and providing new safeguards for the state. Others were more moderate and would leave it all to the October elections; to this end they began to revive the State Rights associations so that they might address the people on the heresies of the decision and rally them to the election.¹

The Union papers in turn defended Judges O'Neill and Johnson and had much to say about the abuse of them and the agitation to remodel the court. The independence of the judiciary was strongly pleaded for.²

Governor Hayne made the deciding move on June 12. He issued a proclamation announcing the decision of the court of appeals as effective and his own decision to issue commissions on the basis of the old oath without requiring the new one.³ He had decided on this course only after

¹ *Mercury*, June 9, 12, 1834; *Messenger*, June 18; *Mountaineer*, June 21.

² *Patriot*, June 10, 1834; *Courier*, June 11; *Journal*, June 14.

³ *Mercury*, June 13, 1834.

thorough consideration and consultation with John C. Calhoun, William C. Preston, James Hamilton, Jr., George McDuffie, and other leaders of the party. He had discovered that the question was one of great delicacy and difficulty, and one concerning which there was much difference of opinion. "On the one hand," he said in a letter to Hammond, written on the day he issued the proclamation, "the outrage is so monstrous that the failure to meet it promptly and decisively may have a depressing effect; but on the other hand, there is much danger of rash action under the impulse of popular excitement." The decisive point was this: if the legislature were called at once, what could it do? The members of the legislature could not call a convention, amend the constitution, impeach or remove the judges, nor do any act which required a vote of two-thirds. This he had ascertained "beyond a reasonable doubt." An unsuccessful attempt at any one of those measures might prove disastrous to the party. The members of the legislature therefore could do nothing more than express opinions and amend the militia law in conformity with the decision, unless they should remodel the court so as to have the decision reversed. This last

possibility, Hayne thought, would be extremely hazardous while the amendment of the constitution was pending before the public, and he knew that it would produce a schism in the party.

Yet anything short of this would be doing nothing, for it would be worse than useless to attempt to legislate with a partisan court ready to arrest your laws. As the legislature can do nothing effectual at present, except what it would not be expedient to do, or even to attempt, I think there is nothing to be gained by an extra call while it would be attended with some risk of dissensions among ourselves and injury to our cause from rash measures. The delay of a few months, if we can in the meantime secure the amendment to the constitution, will give us invincible strength. The moderation thus displayed, the decisive expression of public opinion at the polls, followed by the adoption of the constitutional amendment, settling the question of allegiance in South Carolina forever, will give us a moral power against which the judges cannot stand up.

The only risk involved in this course was that it would fall short of public expectation and thereby paralyze the energies of the party. This could be avoided, Hayne believed, by public meetings and addresses, a revival of the associations, and all the means previously found so successful. "If the governor," he added, "shall

be considered as having erred in not giving vent to the indignant feelings of the party, by an immediate call of the legislature, the blame can be thrown upon him without impairing the spirit of the party, who will know that he goes out of office in December next, and even if he were so disposed could present no further obstacle in their way."¹

During the remainder of the summer the Union papers criticized the dissenting opinion of Judge Harper and defended the opinions of Judges O'Neill and Johnson, while the Nullification papers were just as ready to denounce the latter and defend the former.² This led to several series of articles on theories of sovereignty, allegiance, and obedience, all of which were part of the campaign of education for the fall elections.³

¹ Hammond Papers: Hayne to Hammond, June 12, 1834.

² *Mercury*, June 30, July 1, 1834; *Patriot*, June 30.

³ One of these Union arguments appeared in the *Patriot*, July 24, 1834: "The *Mercury* has been for some days past elaborating several essays into a tissue of abstract reasonings, to prove that practical is not ultimate sovereignty—in other words, that the government of a state is carried on by agents who merely exercise the power of the people. Why, this might be granted, and much more, without bringing the editor any nearer to his final inference, that the judges may not set aside the unconstitutional proceedings of a legislature or convention. Judge O'Neill does not deny the right of the people

In May, before the decision of the court of appeals had been rendered, the Nullifiers made a great clamor over a discovery they claimed to have made, that the Union party was organizing a military force to resist the enforcement of the oath. Even before this there were rumors that the Union men were preparing a military organization to oppose the decision, which the Nullifiers expected would uphold the oath in spite of the fact that two of the three judges were Union

to control their agents, whether legislative, executive, or judicial, but it must be a control exercised in legal form, and he distinguishes very properly between the power of the people, as exhibited in the final right of revolution, and their power as exercised under the constitutional limitations and restrictions which they themselves have imposed.

“Now, conceding to the *Mercury* all that it contends for; granting that allegiance is something different from obedience (and not, as Judge Harper argues, merely the highest species of obedience); that allegiance is due to nothing but sovereignty; we ask, conceding all this, if the government of the United States is not an agency of the people of South Carolina, precisely as their state government is; if the Constitution of the United States is not their Constitution exactly as the state constitution is; if the oaths in that Constitution are not as binding on their agents, judicial, legislative, and executive, in the same degree and manner as the oaths in the state constitution? Well, none of this being disputed, we ask the *Mercury* at what time did the sovereignty of South Carolina annul the oath in the Constitution of the United States by which it bound all its agents to observe that fundamental law, anything in the laws and constitution of a state to the contrary notwithstanding. It being not disputed that

men.¹ The basis for the clamor of the Nullifiers was the following letter, which was secured from a messenger by the Nullifiers and widely published by them. It was dated Abbeville Court House, April 17, 1834, and read:

The committee of five have assigned the five divisions of this state. This district is included in the division assigned to Colonel Robert Cunningham, who has just written to me to urge an immediate and active organization of the regiments of the district, and report to him

that great law remains unabrogated and the oath referred to unrepealed by any act of the sovereignty of South Carolina, we demand if the proceedings of a convention are of higher authority to the judges than the proceedings of a legislature. The oath in the Constitution of the United States is still there. The people of South Carolina in 1787 bound their judicial servants, in common with their other servants, to observe that oath, as the condition of office. The people of South Carolina have not annulled that sanction, by any formal or informal act. Must their judges take it for granted when anything is done in convention of the people repugnant to the Constitution of the United States, that the declaration of the supremacy of that instrument over state laws and constitutions, and the oath in confirmation of it, are impliedly annulled? Until this be shown, all that is contended for may be safely granted without bringing the advocates of state sovereignty any nearer to the conclusion that, holding allegiance to that sovereignty, they may not set aside an ordinance of a convention equally with an act of the legislature. Judges O'Neill and Johnson are obeying the sovereignty of South Carolina expressly declared in 1787 and not as made out by constructive inference in 1834."

¹ *Messenger*, May 14, 1834.

without delay the effective strength, equipments, etc., etc. of each company. You will please, therefore, make out the report for the company you command and send it to me without the least delay; you and your subaltern officers constitute the company committee. I have here drawn a form for your guide.

It was signed by Thomas P. Spierin, and a post-script was added, "N.B. Confine your return to Union men only."¹

With this letter was published a form for reports from the company officers as to the munitions they could rely upon. In the list were mentioned many tools and implements which might be used as weapons, among which were "battle-axes and butcher knives." These seemed particularly to delight the fancy of the Nullifiers for purposes of ridicule and scorn. The "exclusive friends of peace and order," as the Nullifiers termed their opponents, were now said to have been guilty of unpardonable deceit, for while publicly adopting resolutions in their convention favoring resort to the court of appeals, professing nothing but peace, seeming to have given up all idea of military organization, they were secretly organizing a force to be armed with guns, bayonets,

¹ *Mercury*, May 21, 1834; *Messenger*, May 21, 28.

butcher knives, and battle-axes to resist by violence the decision of the court, should it be adverse to their wishes. Surely they could not pretend that all this preparation was merely for the purpose of defense, said their accusers.¹ That was, however, distinctly the purpose alleged by the Unionists; they wished to guard against an attempt of the Nullification party to enforce the oath in spite of an adverse decision. They justified the contemplation of such a possibility by the fact that the Nullification officers were enforcing the military oath while its constitutionality was still pending before the court of appeals.²

After the decision of the court was announced and the Nullifiers had decided to abide by it and await the result of the next election, they frequently praised themselves for their moderation and forbearance. Necessity, however, probably more than anything else, dictated the adoption of this policy. Many who thought that Robert Cunningham "should have been made a head shorter," asked, "Why have we not an act against treason?" and declared that it "should have been

¹ *Messenger*, May 21, 28, June 25, 1834.

² *Patriot*, May 19, 22, 1834; *Courier*, May 23, 24.

one of our first moves.”¹ Other Nullifiers there were who considered the entire unfortunate affair the result of bad management, for which Governor Hayne was largely responsible; they believed that he more than anyone else was to blame for the oath being put into the military act and for not raising the issue solely in the form of the constitutional amendment. By this policy the Union party, instead of being disorganized as the governor had hoped, was furnished with a rallying cry and was greatly strengthened.²

From the time of the governor's proclamation the Nullifiers began actively to organize and to campaign for the fall contest. In Charleston the Revolutionary Society and the '76 Association had coalesced and formed the Whig Association, a Nullification, anti-Jackson political organization. This proved the cue for the rest of the state, and during the summer Whig associations were formed in many quarters. July 4 was a convenient occasion for the promotion of these societies.³

¹ Hammond Papers: Preston to Hammond, June 12, 1834.

² Hammond Papers: James Jones to Hammond, April 14, 1834; Angus Patterson to Hammond, June 22.

³ *Mercury*, June 23, July, 1834; *Messenger*, July 9, 16, 30, August 13.

The Nullification party declared that the great battle which was to decide whether it were to lose the fruits of all its victories in the cause of state rights was to be fought at the polls in October. Even Judge Johnson had been constrained to admit that the adoption of the proposed amendment of the constitution would remove all legal objections and compel the judges to enforce it.¹ It was clear, therefore, that the Union men must by some means manage to defeat the amendment or be compelled to take the oath and acknowledge their allegiance to the state. To prevent this contingency no stone must be left unturned, and greater efforts must be made in the October election than had been put forth at any stage of the controversy. It was, for the Union party and its principles, asserted the Nullifiers, a struggle for life or death. Allegiance to South Carolina recognized the sovereignty of the state; and men might say what they pleased, but the true—they felt that they might say almost the only—difference between the parties arose from the admission or denial of state sovereignty. The Unionists really believed, said the Nullifiers, that the govern-

¹ Some Union men, however, still held that it would be against the United States Constitution and therefore null and void.

ment was a consolidated government, a great nation, one and indivisible; while the State Rights party believed it to be a federal or confederated government, founded in compact between free, sovereign, and independent states, united only for special purposes, written down in the Constitution, and in which each state retained its sovereignty unimpaired; this was the point on which the whole controversy turned, and the amendment of the constitution would settle the question in South Carolina forever; this was the vital importance of the October elections. The Unionists knew all this, said the State Rights men, and though confessedly in a minority they still hoped they might be able to carry one-third of the members either in the Senate or in the House; and as this would defeat the amendment they would pursue this last hope in great desperation. Let the State Rights party then be on its guard.¹

In an effort to discredit the Union party, the Nullifiers did all they could to prove that the Unionists were contemplating a resort to arms to resist the oath. To prove this, and to show that the creed of the party was one of pure consolidation, they cited an appeal in behalf of the

¹ *Mercury*, June 24, 1834.

Union party to the people of the United States, published in the *National Intelligencer* and copied by the Union papers in South Carolina. They asserted that the appeal was no less than an advance to a close union between the consolidationists of the North and of the South. It was a proffer from the latter of an offensive and defensive alliance to secure in advance the sympathy and support of its "national" allies, when the Unionists should be "driven to the field" to uphold the creed of Daniel Webster. They had thus registered their adherence to the champion of the tariff and the sworn enemy of southern and state rights. In his cause and for his creed they were willing to take up arms. This appeal, said the Nullifiers, displayed the Unionists in their true light, as betrayers of the South.¹

The Union men worked strenuously to prevent their opponents from gaining complete control of another legislature. They pointed out that the Nullifiers would require not only all officers to take this "revolting oath," but that the voters might be called upon next to do so. Then would

¹ *Mercury*, August 11, 21, November 17, 1834; *Messenger*, August 13, 20.

come the bill defining treason, with its "pains and penalties," the destruction of the appeal court and anything else that might "enter the heads of the most reckless despots that ever ruled a kingdom, republic, or state."¹ It was proposed by the Union leaders that the people hold meetings throughout the state and sign a solemn protest against the test oath. Their numbers, when shown to the legislature, might have its influence. It was suggested that papers should be drawn up for this purpose in every beat company in the state, and that every man who "valued his liberty and the freedom of thinking for himself" should sign such a remonstrance. In this way only could the strength of the anti-test oath party be made known, for the representation in the coming legislature, it was said, would not be a fair expression of the voice of the people on the subject; for example, in Pendleton district there were said to be 1,400 voters opposed to the test oath, yet that district would send her whole representation, seven representatives and one senator, in favor of the oath; in York district there had been a difference of but twenty-six or twenty-eight votes between the two parties at the last election, yet the entire

¹ *Mountaineer*, August 9, 1834.

representation belonged to the test oath party and this party might again gain control by such a narrow margin.

Great efforts were made by the Union party to convince the people that theirs was no common warfare; it was one of defense against "wanton oppression and implacable tyranny," aimed immediately at the Union party in South Carolina, but having for its ultimate object the destruction of the national Union. Let none be deluded by the artifices of the Nullifiers; they would "sing the siren song of peace and try to charm and cheat the Union party into the belief that they were as harmless as doves"; they would fain persuade the Union men that the proposed oath of allegiance required no pledge inconsistent with the Union men's cherished opinions; but all this was only a mask assumed to influence the pending elections and to be cast aside as soon as it should have served the purpose. Their object and their fixed resolve was to pass the oath in the meaning of the ordinance of the convention and thus render it in effect an abjuration of allegiance to the Union, "a severance of the hallowed tie of American citizenship." Their meditated assault upon the independence of the judiciary, "the most

sacred column of our social edifice," was cited as an example of the means they might adopt to accomplish disunion. In consequence of such arguments in the press, meetings were held and many protests were prepared to send to the legislature.¹

The Charleston city election on September 2 proved another victory for the Nullification party by a safe margin. The Unionists, however, had explanations to offer for their defeat, and zealously endeavored to rally for the state election.² This exciting state election, termed by many the most important in the history of the state to that date, proved to be another victory for the Nullifiers, though not by so large a majority as two years before. In Charleston their majority was reduced somewhat and the election was so close that there was an average of only 115 votes difference out of some 2,700 votes cast. It was so close that the Union men claimed that the corrupt practices of their opponents were all that gave them the

¹ *Mountaineer*, September 6, November 15, 1834; *Journal*, September, 13, 27; *Courier*, November 11; *Mercury*, November 17; *Messenger*, September 17.

² *Mercury*, August 28, 30, September 3, 6, 1834; *Patriot*, August 28, September 1, 3, 6; *Courier*, September 3; *Messenger*, September 10.

victory.¹ The returns showed that there would be in the Senate 32 State Rights men and 13 Union men, and in the House 93 of the former and 31 of the latter.²

¹ *Patriot*, October 15, 1834; *Courier*, October 16; *Mercury*, October 16. The State Rights men declared that the malpractice of their opponents was all that accounted for their increase over the last election. A writer in the *Courier*, January 1, 1835, thus described the preceding fall elections: "That period arrived and the debasing struggle of bribery, corruption, and intrigue was conducted with a virulence that surpassed all that had been before enacted amongst us. The virtuous man forgot the precepts he had inculcated and practiced; honorable men laid aside for the time the badge that they valued dearer than life; the rich man opened his purse strings to feed the unprincipled villains who were willing to sell their birthright for a mess of pottage; the working-man abandoned his daily employment for the haunts of vice, with the view of obtaining from among the filthy horde some creature whom he might suborn to vote for the cause he advocated; all, all were engaged in the unholy work of breaking down the very pillars of virtue, upon which rests the fabric of our government."

² *Mercury*, October 30, 1834; *Journal*, November 8. The popular vote was roughly estimated at 15,000 Union and 20,000 State Rights, by the *Mountaineer*, November 1, and the *Journal*, November 8; at from 17,000 to 18,000 Union and 21,000 to 22,000 State Rights, by the *Patriot*, October 25; and more closely at 17,446 Union and 22,901 State Rights, 18,242 Union and 22,742 State Rights, 20,601 Union and 23,085 State Rights, by the *Patriot*, November 6, 11, and 15, 1834.

The returns were alleged by the Union men to show diminished majorities in the districts where the Nullifiers had been hitherto in the ascendancy, and increased vote of the Union party in those districts where they held the power (*Journal*, October 25).

The State Rights men claimed that their party polled a smaller vote than two years previously because the excitement was not so

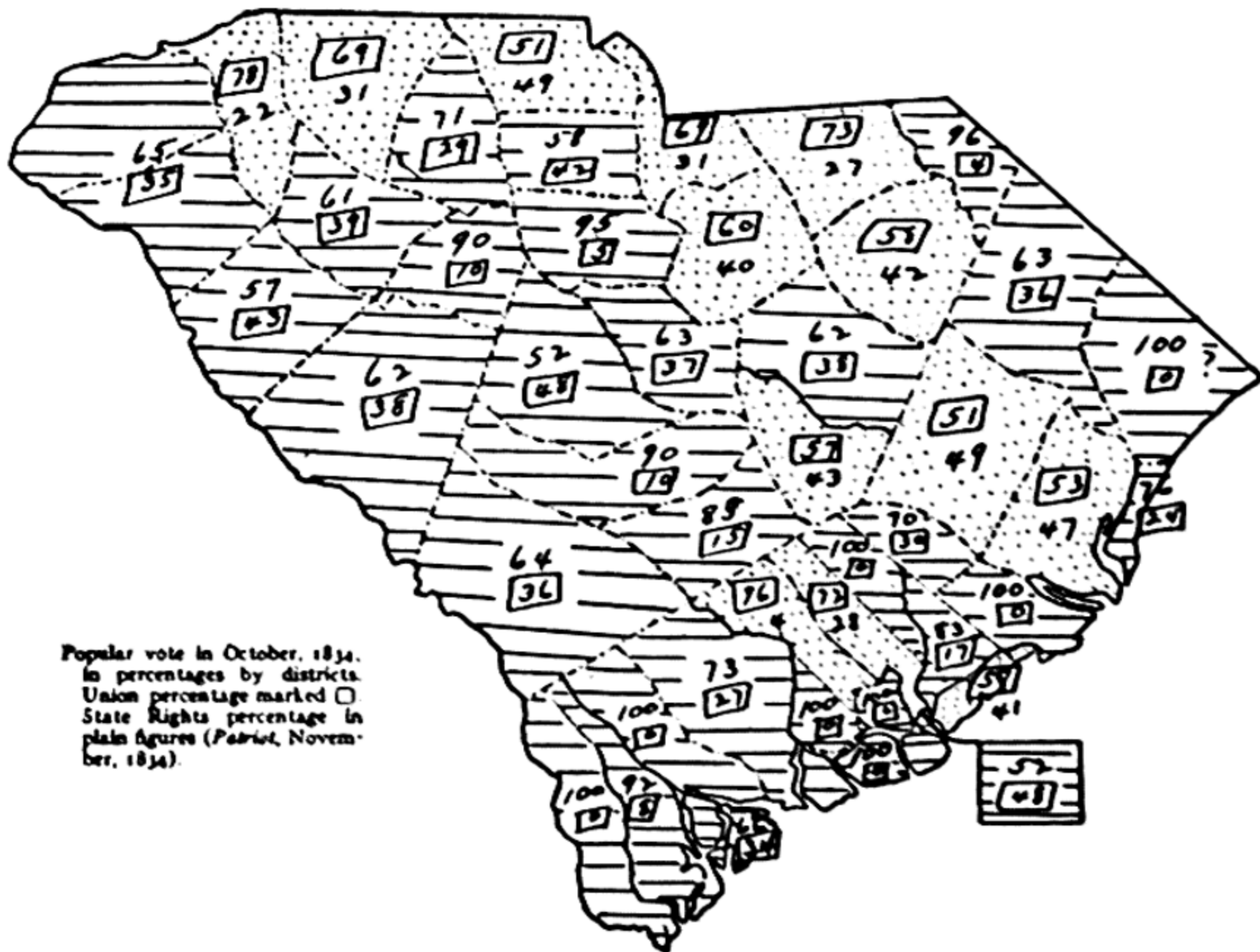
Thus the Nullifiers had a two-thirds majority in both houses and could adopt their oath as an amendment to the constitution. Their popular vote, however, was somewhat short of a two-thirds majority of the votes cast.¹ The Union papers immediately pointed out this fact and urged that while so large a minority was opposed to measures which they believed would deprive them of "all the rights that a patriot held sacred," their oppressors should "take timely warning, lest an insulted and injured people follow that course which none but slaves would for a moment hesitate to pursue." They asserted that in spite of a provision in the constitution that two-thirds of both branches of the legislature of two suc-

great in their party since the compromise of the tariff question, and because the people were not likely to turn out well when the majority in their district was known to be large and there was therefore no spirited opposition (*Messenger* November 5).

In the state's delegation to Congress, the Union men gained one more member. They now had two of the nine; James Rogers, from the district composed of York, Chester, Spartanburg, and Union, and Richard I. Manning, from the district composed of Kershaw, Sumter, Lancaster, and Chesterfield (*Journal*, November 1).

¹ The *Mercury*, November 1, 1834, doubted the assertion that the State Rights party did not have two-thirds, and declared that they very nearly had that majority; the census showed 45,000 voters and the *Mercury* estimated the Union voters at 15,000. See Maps X and XI and p. 107, n. 3.

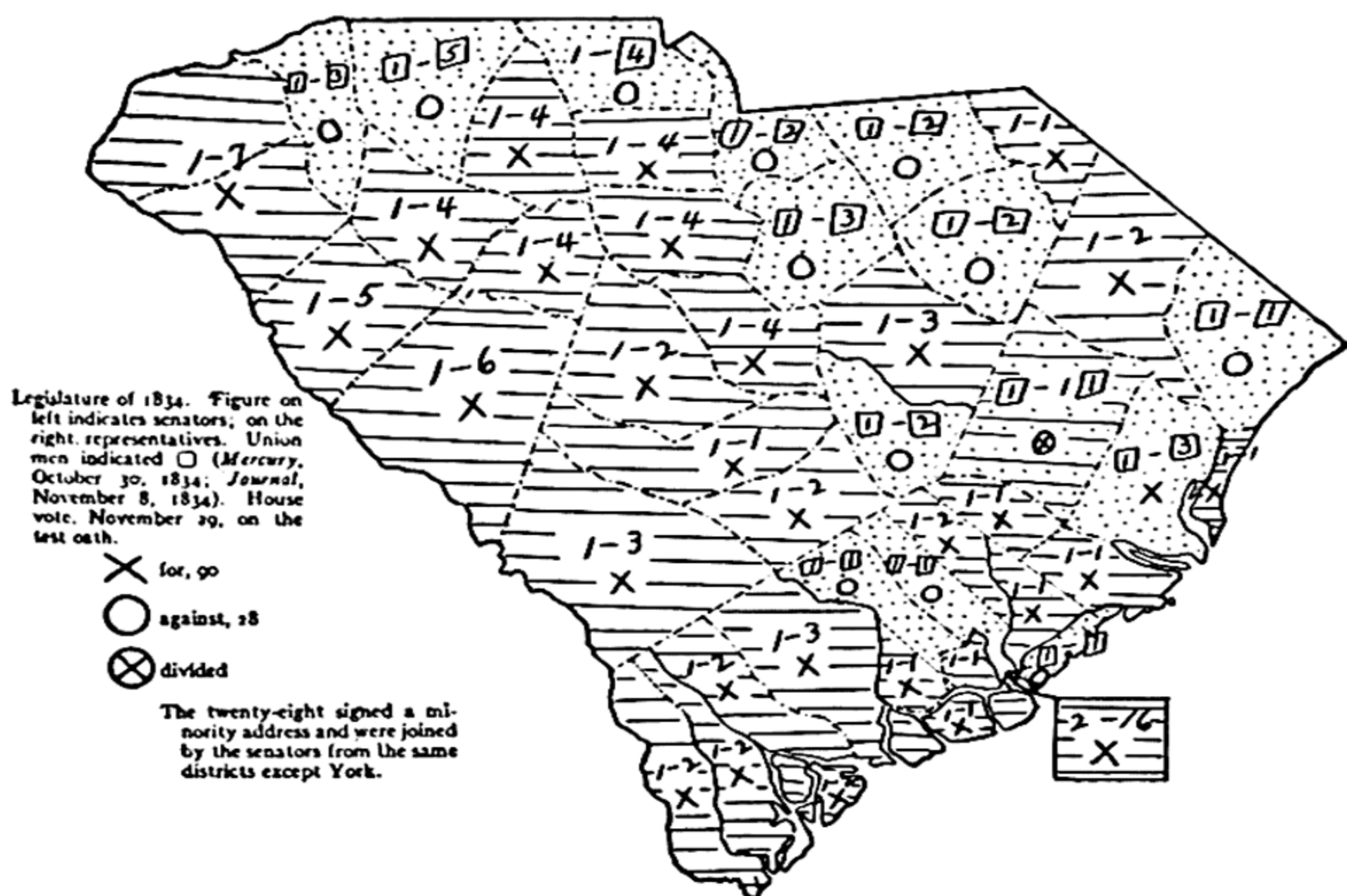
cessive legislatures could adopt amendments, the intent was to have two-thirds of the voters. The State Rights men ridiculed this claim. Suppose they said, that the result of the late election had



MAP X.—Popular vote for legislature, 1834

proved that two-thirds of the voters were in favor of the amendment, while more than one-third of the representatives elected were opposed to it, would the Union party have agreed that the amendment should be made? It would not do for the Union party to insist that either the voters or their representatives were to be regarded just as might

happen to suit their own purposes; the amendment must be made as the constitution directed, by the legislature, and not according to popular vote.¹



MAP XI.—Legislature of 1834

The legislature met and all watched eagerly. The governor's message reviewed the situation and recommended the oath.² As the debates progressed there was talk of a bill defining treason,

¹ *Mountaineer*, November 8, 1834; *Mercury*, November 8.

² For this action he was accordingly attacked and praised by the respective party presses (*Courier*, November 28, 1834; *Mountaineer*, November 29; *Mercury*, November 29).

with its pains and penalties, to enforce the oath when enacted.¹ It seemed certain that the oath would be adopted and there were various suggestions for plans of action by Union supporters. One plan proposed a secession of the Union members from the legislature upon the passage of the oath, and a convention at Charleston to denounce the state government and prepare a military organization of the Union party to prevent any more elections to the state legislature until the oath should be repealed.²

Finally, quite unexpectedly, the clouds were cleared away and the struggle was at an end with neither side positively victorious or vanquished. With the bill to amend the constitution by adding to it the oath of allegiance, was reported by the Committee on Federal Relations a construction of the amendment which the Union members thought would allow them to take the oath and in no way impair the obligations they felt toward the United States. Accordingly the bill was passed without opposition, and the treason bill and the plan for remodeling the judiciary were dropped.³

¹ *Patriot*, December 6, 1834.

² *Mercury*, November 29, 1834.

³ *Mercury*, December 11, 1834; *Patriot*, December 11.

The Union members of the legislature prepared an address to the people, explaining their reasons for accepting the report of the Joint Committee on Federal Relations. With the bill to amend the constitution was introduced a bill to define treason, and notice was given of one to follow which would amend the judiciary system of the state. These measures led to the conviction that the majority would give the oath of allegiance to the state a construction which the Union men believed was incompatible with the Constitution of the United States. When the amendment was passed, the Union men declared that they would enter on the journals their protest, but before that was necessary the Joint Committee on Federal Relations reported, in regard to the petitions filed against the oath, that "the allegiance required by the amendment is that allegiance which every citizen owes to the state consistently with the Constitution of the United States." This was adopted by large majorities in both houses.¹

The Union men at once regarded it as an offer of conciliation and a pledge that the acts defining treason and amending the judiciary would not be

¹ The vote was 36 to 4 in the Senate, and 90 to 28 in the House; see *Messenger*, December 24, 1834.

passed. They therefore withdrew their notice of protest and asked all their party to accept the settlement, since the interpretation given the oath did not impair their allegiance to the Constitution and laws of the United States. It was, they declared, under these circumstances and with these views that they had accepted the accommodation in the same spirit of kindness and with the same anxious desire to restore harmony to the distracted state with which they believed it had been tendered. They did not ask the majority to surrender any opinions which they conscientiously but privately held, nor on their part did they intend to surrender theirs. They considered this effort at conciliation an understanding between the two great political parties of the state that the new oath should receive that construction which was consistent with the Constitution of the United States. For themselves, they accepted it in the full confidence that it meant no more than that they would be faithful to the state in performing all her constitutional requisitions and would render her "true allegiance" to the full extent of all her reserved rights and sovereign powers, and that this was not inconsistent with the obligations they owed and

the allegiance they bore to the United States, to the full extent of all the powers conferred by the federal Constitution. And they did not deem it inconsistent with the good faith with which they had accepted this accommodation and intended to maintain it, to declare that while they were swearing to be faithful to the state, they intended "to support the Constitution and laws of the United States made in pursuance thereof, as the supreme law of the land."¹

The Nullifiers of course claimed that the report of the committee though mild and temperate had really conceded nothing. They maintained that this report did not compromise a single principle of those for which their party had contended, but merely was not extreme in the assertion of them. The most influential leaders of the party were willing to adopt the report as submitted if it would give the Union men any satisfaction. Some, however, wanted the allegiance due to the state stated in stronger terms, and an amendment was offered to the effect that the state in her sovereign capacity had the exclusive right to determine what obligations the citizens of South Carolina owed the federal government. It failed, by a vote of 32

¹ *Messenger*, December 24, 1834; *Courier*, December 24.

to 86, though the State Rights party would have accepted it at any other time; the majority saw no reason to antagonize the Union men further.¹

The compromise was hailed with satisfaction throughout the Union. The State Rights papers outside of South Carolina were reported to approve, and the opposition papers seemed to think it a great victory because the legislature declared the oath to require only such allegiance as every citizen owed to the state consistently with the Constitution of the United States. The State Rights men considered this strange, when not a word was changed in the oath and it had always required the person taking it to support the Constitution of the United States.² As a matter of interpretation as to the extent of this support in case of conflict between the state and the federal governments, however, the Union men believed that before the assurance held out in the report the federal government would have been deserted for the state.

In South Carolina the *Columbia Times*, a State Rights paper, and the *Greenville Mountaineer*,

¹ Hammond Papers: I. W. Hayne to Hammond, December 8, 1834. *Messenger*, December 17, 24, 1834; *Niles' Register*, December 27.

² *Messenger*, January 14, 1835.

a Union press, were said to be the only ones of either party which expressed dissatisfaction. The former objected because the treason bill was dropped, and the latter because it claimed that if a close examination and literal interpretation were made, it would be found that the oath and explanation still demanded allegiance to the state and only obedience to the United States, which to the editor seemed to be giving paramount obligation to the state. He thought that the Union party had disgracefully yielded all. But even this one Union leader, after expressing his views, determined to speak of it no more.¹

On the day after the compromise was reached came the election of the governor of the state. George McDuffie received the unanimous vote of the Union party as well as of his own. Apparently concord was restored in South Carolina. The Union men would take the oath, but whether the bitterness of party feeling was to be much allayed was questionable. It would evidently be long before it was entirely extinguished.²

The year 1835 opened with nearly every editor in the state doing his utmost to promote harmony.

¹ *Mountaineer*, December 13, 1834; *Messenger*, January 14, 1835.

² *Messenger*, December 17, 1834; *Niles Register*, December 20.

The watchword of all seemed to be to forgive and forget the past differences. It seemed that the "demon of civil war" had flown, "affrighted at the approach of the peaceful dove. The arrows were displaced and the graceful olive branch occupied their station." The warfare of years had been settled in a day and the terms of peace were ratified by a rejoicing people.¹

Some flurries of discordant winds appeared occasionally to fan the old flame, but these never proved of serious consequence. They arose when editors of either side felt called upon to deny stories they had heard or read of an impression being abroad somewhere that their party had made the greater concessions in the settlement. It was then pointed out anew that the settlement was a true compromise, resting on the basis of mutual concession, the Union party conceding the passage of the oath, and the Nullifiers conceding the freedom of every man to interpret it according to his own understanding of the obligations owed under the federal Constitution.²

¹ *Courier*, January 1, 1835; *Mercury*, January; *Mountaineer*, January, February, and March; *Journal*, January 31; *Messenger*, February 13.

² *Courier*, January 16, 1835; *Journal*, February 7.

In Greenville, the Union hotbed of the interior, there seemed to be more dissatisfaction with the adjustment than elsewhere. It seemed to be so formidable there that the Greenville district delegates in the legislature addressed their constituents on the recent accommodation. They said that they understood that there was much dissatisfaction in the district with the settlement and with their having voted for it. They requested the several beat companies to take a vote on the course they had pursued; if a majority were opposed, they would resign and make room for new representatives. But there were not enough in the district opposed to the reconciliation to cause any resignations; on the contrary, many strong supporters declared that the Greenville delegates had acted most honorably and patriotically by holding out against the amendment only until they saw further resistance would be folly.¹

On the occasion of the celebration of July 4 a number of toasts were reported from various places showing that a determination for ultimate disunion seemed still to be nursed by the authors. These the Union papers regretted and pointed

¹ *Messenger*, February 13, 1835.

to with scorn.¹ The congressional campaign in the districts of Greenville and Pendleton, to fill the vacancy caused by the death of Warren R. Davis, displayed some signs of being waged on the old party basis, with claims to office resting upon opposition to or support of the oath in the past controversy. Though this policy of openly reviving the old contest proved unpopular, the candidates were supported as State Rights and Union party men. These lines were kept distinct in the voting, and the result of the election was hailed as a State Rights victory. Though the quarrel was not openly renewed, the two parties still quietly maintained their opinions and voted for men according to their known position thereon.²

In August there was held a militia brigade encampment of officers at Pickensville. Before it opened there had been a rumor that a portion of the officers of Greenville, dissatisfied Union men, would not attend. This proved to be the case and a majority of the officers from that district were absent. The governor in his address was especially complimentary to those of the

¹ *Journal*, July 18, 1835.

² *Messenger*, April 3, 17, May 1, September 11, 1835; *Mountain-eeer*, September 12; *Courier*, November 11.

Union party who had turned out and performed their duty in obedience to the laws of the state. He asserted that their conduct was evidently to be attributed to patriotic motives and that he could never again regard them and himself as belonging to different parties. Preparations were made immediately for a court-martial to try all who had refused to attend the encampment. At least four of these officers were found guilty of "wilful disobedience of orders" and "combination with other officers to defy and resist the laws of the state"; they were sentenced to be cashiered and disqualified from holding a commission in the militia of South Carolina for one year and to pay a fine, some \$50 and others \$60.¹

¹ *Messenger*, August 21, November 20, 27, 1835. One of these officers, Major Henry Smith, of the Third Regiment, wrote a public explanation: "It is notoriously known that all the field and most of the company officers of the Third Regiment, who were elected on the 11th of April, 1834, were under positive instructions from the people to oppose certain provisions of what is commonly called the military bill; and I being of that class of officers, was of course bound by the plainest rules of republicanism to obey their instructions. The only question, therefore, for consideration, was whether I was or was not released from those obligations by the late compromise. In order to solve this question, Colonel McNeely, myself, and some other officers concluded to take the opinion of as many of the citizens as we could call together, which we did, and after some consultation it was decided that we were not released from the

Thus the signs of the late contest had not entirely passed. Not until a Union man was elected governor in 1840 was it admitted with virtual unanimity that the old party lines had disappeared.

obligations under which we were elected. Therefore I could not attend the late encampment without proving recreant to those whom I have the honor to command, by openly violating their oft expressed will, as well as my own personal feelings.”

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